



**BOARD OF COMMISSIONERS
AGENDA**

APRIL 4, 2011

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Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

Date: Monday, April 04, 2011

Time: 7:00 PM

Work Sessions

6:00 p.m. Foreign Trade Zone 6:00 p.m. Foreign Trade Zone
6:30 p.m. Discussion of draft Ordinance Amending the Code of Ordinances to
Regulate Outdoor Tour Operators Through Issuance of Franchises

Regular Agenda

- 7:00 p.m. Invocation
 Pledge of Allegiance
- Item 1 Approval of Agenda
- Item 2 Public Comment
***Please limit comments to items not appearing on the regular
agenda, please limit comments to 3 minutes.***
- Item 3 **Proclamation Recognizing Fair Housing Month**
- Item 4 **Public Hearing and Action:** PB 10-26 Currituck County Sign
Ordinance: Request to amend the Unified Development
Ordinance, Chapter 7 Signs and Chapter 17 Definitions of the
UDO.
- Item 5 **Public Hearing and Action:** PB 10-04 Outer Banks Harley
Davidson: Request for a special use permit request for two special
events, Outer Banks Bike Week, April 16 - 24, 2011 and Outer
Banks Bike Fest, September 30 - October 2, 2011.
- Item 6 **Public Hearing and Action:** PB 10-23 Quible and Associates:
Request to amend the Unified Development Ordinance Chapter 2:
Zoning Districts, Chapter 3: Special Requirements, and Chapter 17
Definitions to modify recreational campground requirements.
- Item 7 **Public Hearing and Action:** PB 11-03 Ocean Meadows RV
Resort: Request to rezone 61.58 acres from Residential (R) with a
Planned Adult Retirement Overlay(RET) to Conditional District-

Residential Recreational District(CD-RR) located in Powells Point on the north side of South Spot Road approximately 1000 feet east of Caratoke Highway (US 158) intersection, Tax Map 124, Parcel 28, Poplar Branch Township.

Item 8 **Discussion on Currituck Chamber Proposal**

Item 9 **Appointments to Tourism Advisory Board**

Item 10 **Appointment to Board of Adjustment**

Item 11 **Appointments to Fire and EMS Board**

Item 12 **Consent Agenda:**

1. Approval of March 21, 2011, Minutes
2. Resolution exempting Moyock Wastewater Project from the requirements of Section 143-64.31 of the NC General Statutes
3. Appointment of Jack Riggle to replace Lee Foreman on the Whalehead Drainage Advisory Board
4. Budget Amendments
5. Ratification of letter to Governor endorsing Jerry Old for Board of Transportation membership
6. Ratification of contract with Carolina Water Services of NC, Inc.to acquire water assets
7. Division of Mental Health, Developmental Disabilities & Substance Abuse Services Quarterly Fiscal Monitoring Report
8. Resolution opposing HB DRH60052-SB-13 "Designation of Coastal Game Fish"

Item 13 Commissioner's Report

Item 14 County Manager's Report

Adjourn

**PROCLAMATION
FOR
FAIR HOUSING MONTH
APRIL 2011**

WHEREAS, April 2011 marks the 43rd anniversary of the Federal Housing Act of 1968 and the 28th anniversary of the North Carolina Fair Housing Act. Both laws prohibit discrimination in housing because of race, color, sex, religion, national origin, handicap and familial status; and

WHEREAS, the Currituck County Board of Commissioners, Albemarle Area Association of Realtors, Elizabeth City State University Community Development Program, and Northeastern Community Development Corporation, and county and local governments, concerned citizens and the housing industry, are working to make fair housing opportunities possible for all our citizens. Through their efforts, they are encouraging others to abide by the letter and the spirit of the fair housing laws; and

WHEREAS, one of the most important concerns of Currituck County citizens is the availability of housing to them as individuals and families. By supporting and promoting fair housing and equal opportunity, we are contributing to the health of our County and our State;

NOW, THEREFORE, the Currituck County Board of Commissioners does hereby proclaim April 2011 as “**Fair Housing Month**” in Currituck County and urges our citizens to rededicate themselves to ensuring that fair housing laws are always upheld and citizens are protected against discrimination.

ADOPTED, this 4th day of April, 2011.

O. Vance Aydlett, Jr.
Chairman

ATTEST:

Gwen H. Keene, CMC
Clerk to the Board

MEMORANDUM

To: Board of Commissioners

From: Planning Staff

Date: March 29, 2011

Re: Sign Ordinance Text Amendment

At the March 21st Board of Commissioners meeting, Staff was directed to provide additional information for Outer Banks shopping center signage in relation to the number of businesses. In an email dated Friday, March 25, Staff presented four options to the Board for consideration. Based on feedback from the Board, the enclosed text amendment reflects the following change:

- The maximum size of Outer Banks shopping center signage was decreased from 128 to 80 square feet.

Additionally, staff corrected several typos in the draft and clarified language for calculating sign height and establishing a landscape area. These changes are not substantive, but are pointed out as a matter of disclosure.

Finally, the Board discussed the use of flags and banners during the March 21st public hearing. The proposed Mainland flag requirements allow for 5 flags per lot, with a maximum area of 20 square feet, and maximum height of 20 feet. The proposed Outer Banks flag requirements, which were the topic of discussion, allow for 1 open flag, 1 open house flag, and 3 flags for a subdivision entrance. Should the Board decide to amend the flag requirements for the Outer Banks, Staff provides the following alternative (with a total number similar to the Mainland):

- Up to 4 flags per commercial lot; plus 1 flag attached to the building for each individual unit or business.
- Up to 4 flags per subdivision entrance; plus 1 model home banner per subdivision.

Should you have any questions, please contact Tammy Glave at (252) 232-6025.

**Currituck County
PB 10-26
UDO AMENDMENT REQUEST**

An amendment to Chapter 4 Overlay District, Chapter 7 Signs, and Chapter 17 Definitions of the UDO to reflect changes proposed by the Sign Ordinance Evaluation Committee.

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 4 is amended by deleting Section 4.7.4.

Item 2: That Chapter 7 is amended by adding the bold underline text and deleting the strike through text as follows:

Section 7.1 Purpose

The purpose of this ~~section~~ chapter is to support and complement the various land uses allowed in Currituck County by the adoption of policies and regulations concerning the placement of signs in order to: ~~The erection of signs is controlled and regulated in order to promote the healthy, safety, welfare, convenience, and enjoyment of travel on roadways, as well as protect the public investment in such roadways. The provisions of this section are also intended to promote the reasonable, orderly, and effective display of such signs, displays, and devices.~~

- A. Promote the general health, safety, and welfare of the community;
- B. Protect the public investment in roadways, as well as individual property values;
- C. **Minimize visual distractions to motorists** by promoting the reasonable, orderly, and effective display of signs;
- D. **Preserve the environment from excessive and obtrusive signs in support of the Currituck resort and tourism industry; and,**
- E. **Enhance the image, appearance, and economic vitality of the community.**

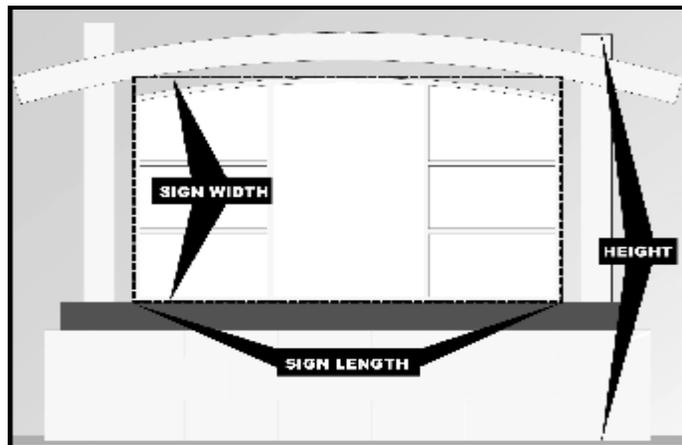
Section 7.2 General Provisions

The following general provisions shall apply to all signs:

- A. No sign may be constructed, erected, moved, enlarged, illuminated, or substantially altered except in accordance with the provisions of this ordinance.

B. Measurements

1. Sign area shall be determined by drawing the smallest **rectangular or square** geometric form to encompass the extreme limits of the writing, representation, emblem, color, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. Sign area shall not include any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the UDO regulations and is clearly incidental to the display itself.



2. A two-sided or multi-sided sign shall be regarded as one sign **(calculate square feet of one face only)** so long as:
 - a. With respect to V-type signs, **the angle between the faces does not exceed 45 degrees** ~~the two sides are at no point separated by a distance that exceeds 15 feet;~~ and,
 - b. With respect to double faced (back to back) signs, **the signs are structurally attached and** the distance between the backs of each face of the sign does not exceed three feet.
3. **Sign height shall be measured from natural grade or from the nearest adjacent street grade to which the sign is oriented, whichever is higher, to the top of the highest component of the sign.**

C. Illumination

1. ~~Lights shall not shine into the street right-of-way or adjoining properties. If necessary, lights can be shielded by shrubs or decorative features of the sign.~~
Illuminated signs shall be designed, installed, and maintained in a manner

that avoids glare or reflection on adjoining properties and does not interfere with traffic safety.

2. A sign shall not be erected that contains, employs, or utilizes lights or lighting which rotates, flashes, moves, or alternates.
3. ~~All illuminated signs shall be turned off during non-operating hours to decrease unneeded lighting with the exception of those used for safety or security purposes.~~
3. Outer Banks Overlay **Commercial** Districts Additional Requirements
 - a. All signs, if illuminated, shall be illuminated externally, **with the exception of neon signs.**
 - b. Sign lighting shall not exceed 15 foot candles at any location on the property and shall not exceed 1.5 foot-candles measured at ground level.

D. Clearing of Vegetation

No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located:

1. Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the North Carolina Department of Transportation;
2. On property that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located; and /or,
3. In any area where such trees or shrubs are required to remain under a permit issued under this ordinance.

E. Design, Construction, Maintenance

1. All signs shall be adequately secured to meet all applicable building code standards and shall be maintained in good structural condition.
2. Peeling or flaking paint, broken panels, missing letters, defective illumination, torn fabric, and other damage to a sign **or sign structure** shall be replaced or repaired.
3. A sign that includes a reference to a closed establishment shall remove the reference to the closed establishment within 30 days. The sign shall be altered

in such a way as to not detract from the overall appearance of the sign. Exposed lighting, such as occurs with the removal of a transparent panel, is not acceptable under any circumstance.

4. Flags shall be attached to a singular pole or building and shall have no other means of support (i.e. be free-flying). Flags that are shredded, torn, tattered, or frayed must be replaced or removed within 15 calendar days of receiving written notification upon written notification from the administrator.

F. Professional Appearance

All signs shall present a professional appearance by being designed and constructed using material, lettering, and graphic standards commonly used in the sign industry. Hand crafted and lettered signs are not prohibited in their entirety, but are subject to removal if in the opinion of the administrator the sign does not meet the spirit of this ordinance.

G. Indemnification

All persons involved in the maintenance, installation, alteration, or relocation of any sign shall agree to hold harmless and indemnify the County of Currituck, its officers, agents, and employees against any and all claims of negligence resulting from such work.

H. Removal by Administrator

Signs unlawfully placed in any street right-of-way or on any public property, including signs affixed to street and traffic signs or public utility poles, may be removed by the administrator without notice. Each sign so removed will be held for 10 days and retrieval of each sign will incur a fee as prescribed in the adopted fee schedule. Removal and disposal of illegally placed signs shall not preclude the prosecution of any person for illegally placing the signs.

Section 7.3 Exempt Signs

The following signs are exempt from the requirements of this chapter:

- A. Signs and legal notices erected by or on behalf of, or pursuant to, the authorization of a governmental body, including but not limited to, legal notices traffic, directional, or regulatory signs.
- B. Informational signs that identify public property, or convey public information, or display other identification not having a commercial message.
- C. Signs designed to directing and guiding vehicular and pedestrian traffic and parking on private property, but bearing no advertising matter.

- D. ~~Traffic, directional or regulatory signs~~ **Religious or civic symbols for noncommercial purposes, including lights and decorations temporarily displayed on holidays.**
- E. Official signs of a non-commercial nature erected by public utilities.
- F. **Residential flags or** flags, pennants, and insignia of any governmental or non-profit organization when not displayed in connection with a commercial promotion or as an advertising device.
- G. Trademarks or product names which are displayed as part of vending machines, dispensing machines, automatic teller machines, and gasoline pumps.
- H. **Vendor signs located at convenience stores. Such signs shall not be attached to public utility poles or traffic signs.**
- I. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.

Section 7.4 Prohibited Signs

The following signs are expressly prohibited:

- A. Off-premise advertising signs (billboards), **including digital billboards.**
- B. Signs located within the sight distance triangle or public right-of-way.
- C. Signs attached to the structure of a lawfully permitted sign without a permit **except as otherwise provided by this ordinance.**
- D. Signs attached to any traffic sign, utility pole, or tree except as otherwise provided by this ordinance.
- E. A sign that by its location, color, illumination, size, shape, nature, or message would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.
- F. Signs that emit a sound, odor, or visible matter such as smoke or vapor.
- G. Signs that exhibit statements, suggestive words, or pictures of an obscene or pornographic nature.
- H. Banners, inflatable signs or balloons, flags (except those exempted by this ordinance), pennants, streamers, propellers, whirligigs, umbrellas with logos or commercial messages, and animated display boards.

- I. Signs or portions of signs designed to move by any means or give the appearance of movement in any manner except for **suspended signs intended for pedestrians and** flags as described in this ordinance.
- J. Roof signs.
- K. **Vehicle signs on vehicles or trailers that are not currently licensed and registered by the Department of Motor Vehicles.**
- L. Outer Banks Overlay District Additional Requirements
 - 1. Signs located on any land subject to periodic inundation by tidal saltwater.
 - 2. Signs with reflective lettering **except those exempted by this ordinance.**
 - 3. Any sign abandoned for more than six months and dilapidated signs where the cost to renovate or repair the sign is **50 percent or** more of the sign replacement cost.
 - 4. Internally illuminated signs or signs which contain a visible light source **except as otherwise provided by this ordinance.**
 - 5. Portable signs (mobile marquees).
 - 6. **Electronically controlled message signs.**

Section 7.5 Signs Allowed without a Zoning Permit

The signs listed in Tables 7.5.1 and 7.5.2 are allowed without issuance of a zoning permit provided the requirements of this chapter are met.

- A. Signs allowed by this section shall have a minimum setback of 10 feet from side property lines ~~except as otherwise provided.~~
- B. Signs allowed by this section shall not be illuminated **except as otherwise provided.**
- ~~C. Sign height shall be determined by measuring from natural grade.~~

**Table 7.5.1 Signs Allowed WITHOUT a Zoning Permit
Excluding Outer Banks Overlay District**

Sign Type	Max. Number	Max. Area (sq. ft.)	Max Height (ft.)
Community Identification ¹	2 per entrance	60	15
Contractor ²	1 per lot	32	10
Church-Directional	1 per street or intersection	8	8
Flags	<u>One flag per 40' of street frontage, 5/lot</u> <u>-One flag per pole.</u>	<u>One square foot for every two linear feet of road frontage.</u> <u>3620 each</u>	20
Home Occupation	1	6	6
Special Event ³	10	<u>32</u>	10
Political ⁴	n/a	32	10
<u>Real Estate, Commercial</u>	<u>1 per lot</u>	<u>32</u>	<u>10</u>
<u>Real Estate, Residential Lot</u>	<u>1 per lot</u>	<u>8</u>	<u>4</u>
<u>Real Estate, Subdivision</u>	<u>500' apart</u>	<u>75</u>	<u>10</u>
Roadside Market ⁵	n/a	32	n/a
Window (<u>including neon signs</u>)	n/a	25% of glass pane	n/a

1. **May be externally illuminated and located within a private right-of-way, but not within the sight distance triangle.**
2. **Shall be removed upon issuance of the Certificate of Occupancy or completion of work.**
3. Shall not be erected earlier than 30 days before the event and must be removed no later than 10 days after the event **and must be in conjunction with an approved special event.**
4. ~~Shall be erected no more than 60 days prior to~~ and must **be removed within 10 days following each separate election date.**
5. May not be erected more than 30 days before the seasonal opening of such enterprise and shall be removed no later than 30 days after the enterprise closes for the season.

**Table 7.5.2 Signs Allowed WITHOUT a Zoning Permit
Outer Banks Overlay District**

Sign Type	Max. Number	Max. Area (sq. ft.)	Max Height (ft.)
Agent On Duty	1 per lot	6 <u>8</u>	3 <u>4</u>
Community Identification ¹	1 per entrance	48	6
Contractor ²	1 per lot	6	3
Cottage Name	1 per lot/unit	12	n/a
<u>Cottage For Rent</u>	<u>1 per lot/unit</u>	<u>2</u>	<u>n/a</u>
Church Directional	1 per street or intersection	2-8	6 <u>8</u>
Flag, Open ³	1	24 <u>15</u>	Eave of roof
Flags, Open House ⁴	3	24	10 for flags at entrance
<u>Flags, Subdivision</u>	<u>1 pole per major entrance with up to 3 flags per pole</u>	<u>24 per flag</u>	<u>35</u>
Heritage Park Community Event ¹²	3	32	6
Home Occupation	1	6	6
Landscape Contractor	1 per lot	2	2
Local Event ⁵	6	6	4
Special Event ⁶	3	32	6
Open House	4	6 <u>8</u>	3 <u>4</u>
Open House Directional ¹³	n/a	6	4
Political ⁷	n/a	32	10
For Sale or Lease, Subdivision or Commercial Lot <u>Real Estate, Commercial or Subdivision</u> ¹⁴	1	32	6
For Sale, Individual Residential Lot <u>Real Estate, Residential Lot</u> ⁸	1 per lot	6 <u>8</u>	3 <u>4</u>
Roadside Market ⁹	n/a	32	n/a
Shopping Center, Directional	Up to a total of 32 sq. ft.	32	6
Security	1 per lot	2	2
Tent/Sandwich ¹⁰	1 per business unit	40 <u>8</u>	4
Window (<u>including neon signs</u>)	n/a	25% of glass pane	n/a

1. **May be externally illuminated and located within a private right-of-way, but not within the sight distance triangle.**
2. **Shall be removed upon issuance of the Certificate of Occupancy or completion of work.**
3. Shall be anchored to wall, porch post, or railing of subject business. **Shall be removed at the close of each business day.**
4. Two at entrance to subdivision and one attached to open house.
5. Up to a maximum of 4 off-premise and 2 on-premise. May be erected up to 72 hours before event and shall be removed within 48 hours after event. Signs shall display no commercial messages or logos.

6. Shall not be erected earlier than ~~30~~ **7** days before the event **and must be removed no later than 48 hours after the event and must be in conjunction with an approved special event.**
7. Shall be erected no more than 60 days prior to ~~and must be~~ **removed within 10 days following each separate election date.**
8. **One additional on-premise sign shall be allowed for an open house and one open house directional sign shall be allowed at the subdivision entrance and each intersection**
9. May not be erected more than 30 days before the seasonal opening of such enterprise and shall be removed no later than 30 days after the enterprise closes for the season.
10. ~~The sign may be displayed only from October 1st thru May 15th.~~ **The sign may be displayed one day before the store is open for business, and does not have to be removed daily if the store remains open on consecutive days. If the store is closed for three or more consecutive days the sign must be removed until the store is again open. Sign height shall be determined by measuring from natural grade.**
11. ~~May be erected up to 7 days prior to event and shall be removed within 48 hours after event. Signs shall display no commercial messages or logos.~~
12. ~~One at entrance to subdivision and one at each intersection.~~
13. ~~One permitted per new subdivision, new shopping center, or vacant commercial lot excluding vacant commercial units and outparcels. Limited to three years from permit issuance and sign must be installed parallel to NC-12.~~

Section 7.6 On-Premise Signs Allowed with a Zoning Permit

The signs listed in Tables 7.6.1 and 7.6.2 are allowed on lots containing at least one approved non-residential use upon issuance of a zoning permit provided the requirements of this chapter are met.

- A. All signs allowed by this section shall have a minimum setback of 10 feet from side property lines ~~except as otherwise provided.~~ Signs exceeding 10 feet in height shall have a minimum 10 foot setback from a **public or private** right-of-way ~~except as otherwise provided.~~
- B. ~~Sign height shall be determined by measuring from natural grade.~~
- C. ~~Portable signs displayed longer than 30 days become freestanding signs and must be anchored according to the Building Code and meet all requirements of this ordinance.~~
- D. No more than 50 percent of the area of a sign can be a message board, reader board, or electronically controlled message sign. The message must remain stationary for a minimum of five seconds, except for time and temperature. **Electronically controlled message signs are prohibited in the Outer Banks Overlay District.**

**Table 7.6.1 On-Premise Signs Allowed WITH a Zoning Permit
Excluding Outer Banks Overlay District**

Sign Type	Max. Number	Max. Area (sq. ft.)	Max Height (ft.)
Freestanding, Individual Lot	1 per street frontage. ^{1,2}	250 <u>128</u> ³	25 <u>20</u>
Shopping Center, Freestanding	1 per street frontage. ¹	# of Businesses	<u>25</u>
		<u>4-10 = 200</u>	
		<u>>10 = 160-300</u>	
Shopping Center, Outparcel	1 per lot	100 <u>64</u>	<u>10</u>
Wall	n/a	<u>20 percent of wall surface to which sign is attached, not to exceed 400 square feet.</u> • 30% of wall area not to exceed: 200-sf max. for each building less than 5,000 sf of gross floor area. 400-sf max. for each building between 5,000 square feet and 9,999 square feet of gross floor area. 600-sf max. for each building greater than 10,000 square feet of gross floor area.	n/a

- One additional sign shall be permitted for frontages that exceed 500 feet, not including outparcel frontage. The signs shall be spaced a minimum of 250 feet apart or at approved access points.**
- A total of two temporary signs are permitted per property. The total maximum size of one sign or two signs combined cannot exceed 40 square feet. If the property contains more than one street front, one additional temporary sign is permitted not to exceed 40 square feet.
- For frontages that exceed 160 feet an additional 32 square feet of signage shall be permitted.**

**Table 7.6.2 On-Premise Signs Allowed WITH a Zoning Permit
Outer Banks Overlay District**

Sign Type¹	Max. Number	Max. Area (sq. ft.)	Max Height (ft.)
Freestanding, Individual Lot	1 per street frontage ²	48	<u>6 8</u>
Shopping Center, Freestanding	1 per street frontage ²	48- <u>80</u> ³	<u>6 12</u>
Shopping Center, Outparcel	<u>1 per lot</u>	32	<u>6</u>
Wall	<u>n/a</u>	32 ⁴	<u>Eave of Roof</u>

1. Monopole signs are prohibited.
2. One additional sign shall be permitted for frontages that exceed 500 feet, not including out parcel frontage. The signs shall be spaced a minimum of 250 feet apart or at approved access points.
3. Freestanding signage for a secondary road frontage shall not exceed 24 square feet in area and 8 feet in height.
4. The maximum square footage is an allowance per wall of a business or business unit. Businesses with 5,000 square feet or greater of gross floor area may have wall signage up to 54 square feet in area per wall.

E. Landscaping Requirements

This section shall apply to all shopping center and freestanding signs:

1. Landscaping shall be required that encompasses the entire base of the sign at a minimum rate of two square feet of landscape area per one square foot of sign area.
2. Required landscaping shall contain an appropriate combination of shrubs and ground cover. Ground cover must consist of vegetation and/or mulch.

Item 3: That Chapter 17 is amended as follows:

Awning/Canopy: A plastic, canvas, or metal porch or shade supported by a frame and often foldable that is placed over a storefront, doorway or window

Commercial: Any activity involving the sale of goods or services carried out for profit.

Convenience Store: A retail store that is a part of a gas station.

Mass Gathering: A performance or special event which is expected to draw 100 or more participants and spectators.

Public Institution: an organization that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control and that is supported primarily by public funds.

Shopping Center: A development consisting of four or more establishments that share pedestrian circulation, vehicle access, parking facilities, landscaping, and a master sign plan on a tract of land at least four acres in area. A group of commercial establishments planned, developed and/or managed as a unit with off-street parking provided on the property that is located on a tract of land at least four acres in area.

Shopping Center, Outparcel: A lot located on the perimeter of a shopping center development, with frontage on the arterial street serving the shopping center, that is subordinate to the shopping center development for access, parking, and drainage.

Sign:

Any device that is sufficiently visible to persons not located on the lot where such device is located to accomplish either of the objectives set forth in subdivision two part b. of this definition; and is designed to attract the attention of such persons or to communicate information to them.

Site-triangle Sight Distance Triangle

A triangular-shaped portion of land established at street and driveway intersections in which nothing is erected or placed in such a manner as to limit or obstruct the line of sight of motorists entering or leaving an intersection or business. **A sight distance triangle of 10 feet by 35 feet is required where vehicular areas intersect with street rights-of-way and 10 feet by 70 feet at street intersections. Nothing over 24 inches or less than 7 inches in height shall be located within this area.**

Sign, Awning/Canopy: Any message printed on an awning or canopy.

Sign, Community Identification: A sign located at the entrance of a subdivision or multi-family development.

Sign, Contractor: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

Sign, Cottage For Rent: A sign placed on a residentially zoned dwelling that is in a rental program offered by a rental company or private owner.

Sign, Cottage Name: A sign placed on a dwelling displaying the name of the house or cottage.

Sign, Digital Billboard: Billboards that can electronically change their images or text.

Sign, Directional: An off-premise sign that displays the name and direction to an institutional use, religious use, or historic property.

Sign, Externally Illuminated: A sign where the source of illumination is outside the sign and light is reflected off the surface of the sign from an external source.

Sign, Freestanding: A sign that is attached to, erected on, or supported by some structure (such as pole, mast, frame or other structure) that is not itself an integral part of a building or other structure whose principle function is something other than the support of a sign. A sign that stands without supporting elements, such as "sandwich sign", is also a freestanding sign. If the message is removed from a structure that was originally designed and used as a sign, this structure shall still be considered a sign.

Sign, Governmental: A sign erected and maintained pursuant to and in discharge of any governmental functions or required by law, ordinance, or other governmental regulation.

Sign, Inflatable: Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product or event.

Sign, Informational: Any on-premise sign containing no other message, copy, announcement, or decoration other than instructions or directions to the public. Such signs include but are not limited to the following: handicapped parking, loading area, restrooms, property address, building identification, and other noncommercial courtesy messages.

Sign, Internally Illuminated: A sign, including neon signs, where the source of illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source.

Sign, Local Event: A sign that identifies a local event such as a library book sale, art exhibit, or other noncommercial event expected to attract less than 100 participants and spectators.

Sign, Monument: A sign which is supported by and integrated with a solid base, as opposed to poles, posts, or other such supports. The entire bottom of the sign is affixed to the ground.

Sign, Off Premise Direction Sign

A sign authorized by the Board of Commissioners in the Outer Banks Overlay District in Corolla Village, businesses located within 1200' of Caratoke Highway, and businesses located along the Atlantic Intracoastal Waterway (Coinjock Canal) that displays the name of the business only and the direction in which it is located. The off premises directional sign is similar in size and style to street name signs.

Sign, Political: A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

Sign, Portable (Mobile Marquee): A temporary freestanding, on-premise sign which is not designed to be permanently affixed to a base or ground.

Sign, Railing: Any sign attached to a railing.

Sign, Real Estate: A sign indicating that a property is available for sale, lease, or rent.

Sign, Roadside Market: A temporary sign advertising: 1) a farm or tract upon which are grown fruits or vegetables that may be picked or gathered by the purchaser; 2) an approved roadside market selling fruits or vegetables; or 3) produce, seafood, or related agricultural products offered for sale at an approved roadside market.

Sign, Roof: A sign that is mounted on the roof of a building between the roof eave and roof peak.

Sign, Suspended: A sign suspended or hanging down from a marquee, awning, or porch.

Sign, Vehicle: Any sign attached to or painted on a vehicle, motorized or drawn, parked and visible from a public right-of-way intended to advertise a product or service.

Sign, Vendor: An incidental sign advertising the sale of goods or rendering of services available at a commercial establishment on the same lot as the establishment.

Sign, Wall: A sign fastened to or painted on the wall, canopy, or awning of a building or structure in such a manner that the wall, canopy, or awning becomes the supporting structure for or forms the background surface of the sign. A sign fastened to a wall shall not project more than 12 inches from such building or structure. A canopy or awning sign may project more than 12 inches from such building or structure.

Sign, Window: Any sign attached to the window glass of a commercial building.

Special Events

~~Circuses, fairs, carnivals, festivals, or other types of special events that:~~

- ~~a. run for longer than one day but not longer than two weeks;~~
- ~~b. are intended to or likely to attract substantial crowds; and,~~
- ~~c. are unlike the customary or usual activities generally associated with the property where the special event is to be located.~~

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: The date reference in Table 7.5.2 for Tent/Sandwich signs (*The sign may be displayed only from October 1st thru May 15th.*) shall be restored on the 1st day of October 2011.

Item 5: This ordinance amendment shall be in effect from and after the _____ day of _____, 2011.

Board of Commissioners' Chairman

Attest:

Gwen H. Keene
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: _____AYES_____NAYS_____

PLANNING BOARD DATE: 11/9/10
PLANNING BOARD RECOMMENDATION: Approval
VOTE: AYES 8 NAYS 0
ADVERTISEMENT DATE OF PUBLIC HEARING: 3/10/11 and 3/20/11
BOARD OF COMMISSIONERS PUBLIC HEARING: 3/21/11

BOARD OF COMMISSIONERS ACTION: Tabled
BOARD OF COMMISSIONERS HEARING: 4/4/11
BOARD OF COMMISSIONERS ACTION: _____

POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

PLANNING DEPARTMENT
FEE SCHEDULE

ADMINISTRATIVE REVIEW	FEES
Minor Subdivision (Conventional)	25.00/Lot
Private Access or Family Subdivisions	50.00/Lot
<u>Sign Removal Fee (Unlawfully placed signs)</u>	<u>25.00/sign</u>
Site Plan (<i>Commercial</i>)	.02/S.F. of gross floor area; 50.00 minimum
<u>Zoning/Flood Determination Letter</u>	<u>25.00</u>
BOARD OF ADJUSTMENT	FEES
Appeal	\$150.00
Conditional Use Permit/Amended Conditional Use Permit	150.00
Conditional Use Permit Renewal	25.00
Variance	150.00
LITERATURE AND MATERIALS	FEES
Unified Development Ordinance (UDO)	\$15.00
Amendments to UDO (Quarterly)	12.00
Land Use Plan	20.00
Official Zoning Map (Copy)	7.50
Planning Board Agenda (Yearly)	7.50
Planning Board Minutes (Yearly)	35.00
Board of Adjustment Agenda (Yearly)	7.50
Board of Adjustment Minutes (Yearly)	25.00
PLANNING BOARD	FEES
Sketch Plan:	
Ø *Major Subdivision (Including PUD, RMF)	\$100.00/Lot
Ø Amended Sketch Plan, Preliminary Plat, or Final Plat	250.00
Rezoning	150.00+ \$5.00/acre or part thereof
Text Amendment to UDO	150.00
Amend Land Use Plan	150.00
Special Use Permit (SUP) or Amended SUP	150.00
Continuance Request	100.00
Personal Copies	0.10 (1-sided) 0.15 (2-sided)
<i>*Preliminary, amended preliminary, final, and amended final plats will be assessed at \$33.00 per lot fee if the sketch plan was approved prior to March 3, 2003.</i>	

**CASE ANALYSIS FOR THE
Board of Commissioners
Date: April 4, 2011**

PB 10-04 Outer Banks Harley Davidson Special Use Permit

ITEM: PB 10-04 Outer Banks Harley Davidson Special Use Permit request for two special events, Outer Banks Bike Week, April 16 - 24, 2011, and Outer Banks Bike Fest, September 30 - October 2, 2011.

LOCATION: 8739 Caratoke Highway, Harbinger (existing Harley Davidson dealership).

TAX ID: 0131-000-0088-0000

ZONING DISTRICT: General Business (GB)

PRESENT USE: Motorcycle Retail

OWNER: MDS Investment LLC
% Maurice Slaughter
2211 Frederick Blvd
Portsmouth VA 23704

APPLICANT: Same

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Residential	GB
SOUTH	Residential	GB
EAST:	Residential	GB
WEST:	Post Office	GB

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as Limited Service within the Point Harbor subarea.

SIZE OF SITE: 3.2 acres

UTILITIES: The business is served by county water and an on-site septic system. Port-a-johns are proposed for the special events.

I. NARRATIVE OF REQUEST:

- The Outer Banks Harley-Davidson in Harbinger is the hub for all Bike Week activities. The facility is utilized to house additional vendors, live music, and serves as the starting point for poker runs and scenic tours.
- This is the 9th year for Outer Banks Bike Week and attendance has grown each year, with last year’s attendance reaching over 10,000 attendees.
- Guided tours are proposed around the sound, to Corolla, and to Knotts Island via the ferry.

II. Special UDO requirements for special events (Section 3.10.4)

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

III. OUTSTANDING TECHNICAL REVIEW COMMITTEE COMMENTS:

Zoning (Tammy Glave 252-232-6025):

Approved with corrections:

1. The original site plan approval was for three additional buildings. The existing building was required to have 46 parking spaces (approved at 1:400 instead of 1:200), so there are extra parking spaces available at this time. Please note that drive aisles cannot be blocked. The applicant plans to restrict this parking area to motorcycles only.
2. Overflow and non-motorcycle parking must be adequately addressed. The applicant has signed permission for satellite parking at Carolina Designs Realty, Barrier Island Welcome Center, Mutiny Tattoo, and Harbinger Post Office. Mutiny Tattoo is the only location approved for customer satellite parking. All other listed locations are either greater than 300’ from the subject property or are considered unsafe for pedestrians (crossing Caratoke Highway). Carolina Designs Realty, Barrier Island Welcome Center, and Harbinger Post Office may be used for employee satellite parking only.

Albemarle Regional Health Services (Joe Hobbs, 252-232-6603)

Reviewed with comments:

1. Event Coordinator needs to consult with health department concerning these 2 proposed events(OUTER BANKS BIKE WEEK APRIL 16-24 2011 and OUTER BANKS BIKE FEST SEPT. 30 thru OCT. 2 2011).
2. Event Coordinator needs to fill out one COORDINATOR'S APPLICATION for a TEMPORARY FOOD EVENT PER EVENT and submit application to health dept. 4 weeks prior to event.
3. Each FOOD VENDER will need to consult with health dept., fill out a required application with a \$75.00 dollar fee and submit to health dept. at least 2 weeks before event.
4. An approved public water supply must be available to serve the vendors. Consult with Health Department concerning this issue.
5. Port-a-Jons will be required and maintained properly by a NC Licensed Portable Sanitation Management firm.
6. PLEASE CONSULT WITH HEALTH DEPT. AS SOON AS POSSIBLE FOR HELPFUL ASSISTANT WITH THESE PROPOSED EVENTS. *PLEASE CONTACT MS. ANGELA RODRIGUEZ REHS ENVIROMENTAL HEALTH SPECIALIST AT (252)232-6603 THANK YOU.

Currituck County Parks and Recreation (Jason Weeks, 252-232-3007)

Approved with corrections:

1. Park Rental Fees will not be waived for this event as it is my opinion that the number of vehicles could in fact hinder the public's use of the park facility. I recommend approval if the overflow parking is addressed properly. Signage will need to be posted at the park 1 week in advance of the event date.

Currituck County Emergency Management (James Mims, 252-232-4024)

Approved with comment:

1. Maintain designated egress from property and structures.
2. Acquire proper permits for any tents, canopies, and air supported structures.
3. Respond to the following Emergency Managers comments: From the EM perspective...the 2nd of the two weeks is in the height of hurricane season. 1st, do they have a "rain date" or alternate plans in the event of a hurricane and a plan to convey these possible schedule changes? 2nd, do they understand the resources they are counting on could be otherwise occupied if we are in the midst of preparing for and conducting an evacuation? 3rd, will they comply with our evacuation orders and be proactive in conveying the information to their attendees?

IV. QUESTION(S) BEFORE THE BOARD:

Special Use Permit Criteria and Staff Findings:

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

In order to approve a SUP, certain criteria must be satisfied. The criteria and suggested findings of fact are outlined as follows:

1. Completeness of application.
Suggested Findings:
 - a. The application is complete.
2. The proposed use is among those listed in the Table of Permissible Uses as a special use indicated with an "S".
Suggested Findings:
 - a. Special events are an allowable use within the General Business (GB) zoning district with a special use permit.
3. The conditions proposed meet or exceed the minimum requirements of this ordinance.
Suggested Findings:
 - a. The proposed plan meets the minimum requirements of the ordinance.
4. The special use will not endanger the public health or safety:
Suggested Findings:
 - a. So long as the non-motorcycle parking is adequately addressed, the events should have little impact on public health or safety with the proposed precautions in place [no parking signs in right-of-ways, private security (off-duty deputies), designation of satellite parking areas across Caratoke Highway for employees only, and satellite parking for customers only on the same side of Caratoke Highway as the event].
5. The special use will not injure the value of adjoining or abutting property and will be in harmony with the area in which it is located
Suggested Findings:
 - a. The Unified Development Ordinance indicates that special events are allowed in the GB zoning district with a special use permit.
 - b. The special events will take place at an existing retail business.

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

Suggested Findings:

- a. The 2006 Land Use Plan classifies this site as Limited Service within the Point Harbor subarea. The policy emphasis is to allow portions of the Point Harbor area to continue to evolve as a full service community. The proposed use is in keeping with the policies of the plan, some of which are:

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 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.

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

Suggested Findings:

- a. The county has adequate public facilities to service this use.

IV. STAFF RECOMMENDATION:

- A. The submittal does appear to meet all of the requirements for approval, so **staff recommends conditional approval** of this special use permit subject to the findings of fact, TRC comments, and non-motorcycle parking being addressed. **If non-motorcycle parking is not adequately addressed prior to the Board of Commissioners' Public Hearing, then staff recommends denial of this special use permit.** It should be noted that this approval is valid only for the two events listed. Events held in subsequent years will require renewal of the special use permit.

V. PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended approval** of PB 10-04 with staff recommendations, facts of finding, and the parking must be addressed by the applicant.

NOTE: The county has requested that NCDOT and Emergency Management provide Variable Message Signs warning motorist of potential traffic congestion at this location.

PLANNING BOARD DISCUSSION (3-8-11)

Mr. West asked if staff has received any recommendation from Mr. Johnson on the non-motorcycle parking.

Mr. Woody stated no but the applicant may address this tonight. Mr. Woody stated the sheriff's department offered to work with Mr. Johnson to find parking on private property.

Mr. Johnson stated they are actively looking for alternate parking for non-motorcycle vehicles. The event is spread out over 10 days which will stretch out parking. They have submitted a request to use Sound Park for parking April 21-23. Major events have been moved to the Nags Head dealership. Mr. Johnson stated they will conform to the parking requirements. The first weekend will have limited activities.

Mr. Midgette asked is security has been addressed.

Mr. Johnson stated they have been in touch with Currituck County Sheriff's Department and they will have their own security as well.

Mr. Stone stated this event will overlap Easter weekend and he has concerns with it during this weekend.

Mr. Hunsicker is opposing this request.

Mr. Kovacs asked if the dates could be changed.

Mr. Johnson stated no.

ACTION

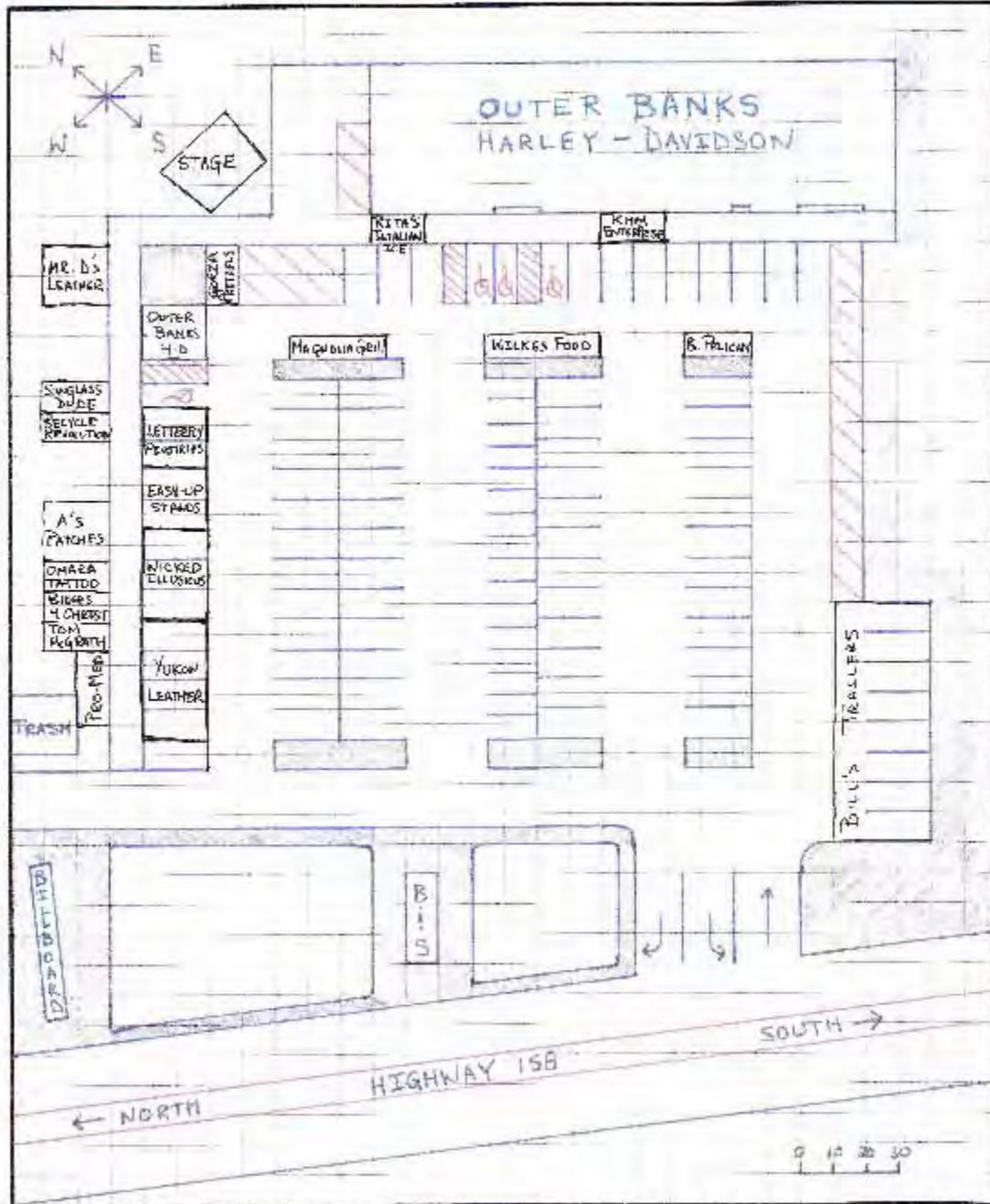
Ms. Newbern moved to approve PB 10-04 with staff recommendations, findings of facts, and the parking must be addressed by the applicant. Ms. Taylor seconded the motion. Ayes: Mr. Kovacs, Mr. Clark, Mr. Bell, Ms. Newbern, Ms. Taylor and Mr. Midgette. Nays: Ms. Wilson and Mr. West.



MS Family Harley-Davidson Dealerships



Bayside + Outer Banks + Kitty Hawk + Nags Head



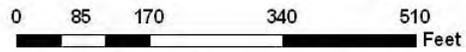
2211 Frederick Blvd (I-264, Exit 5) + Portsmouth, Virginia 23704 + (757)397-5550 + Fax (757)397-5513

www.harleybay.com

REVISED 02/11/10

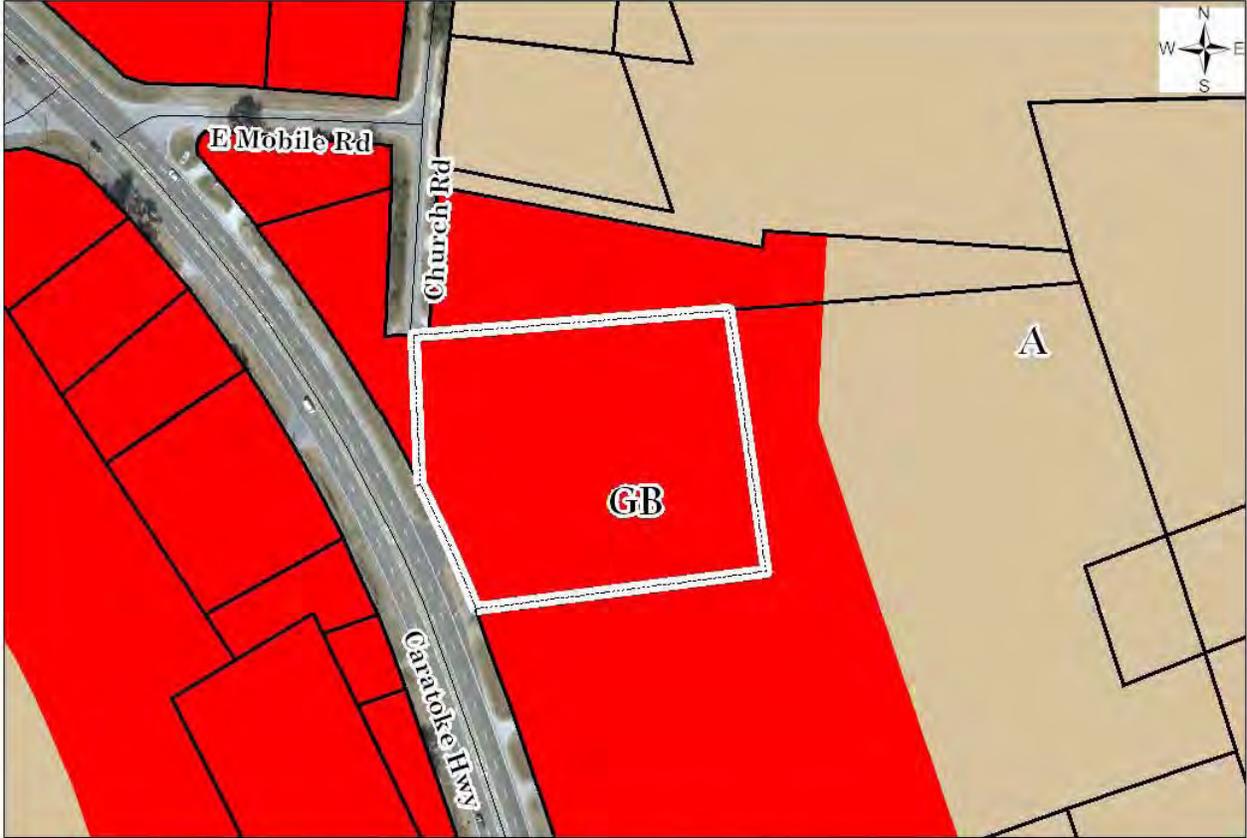


**PB 10-04 Outer Banks Harley Davidson
SUP Request
January 2008 Aerial Photography**



Currituck County Planning Department

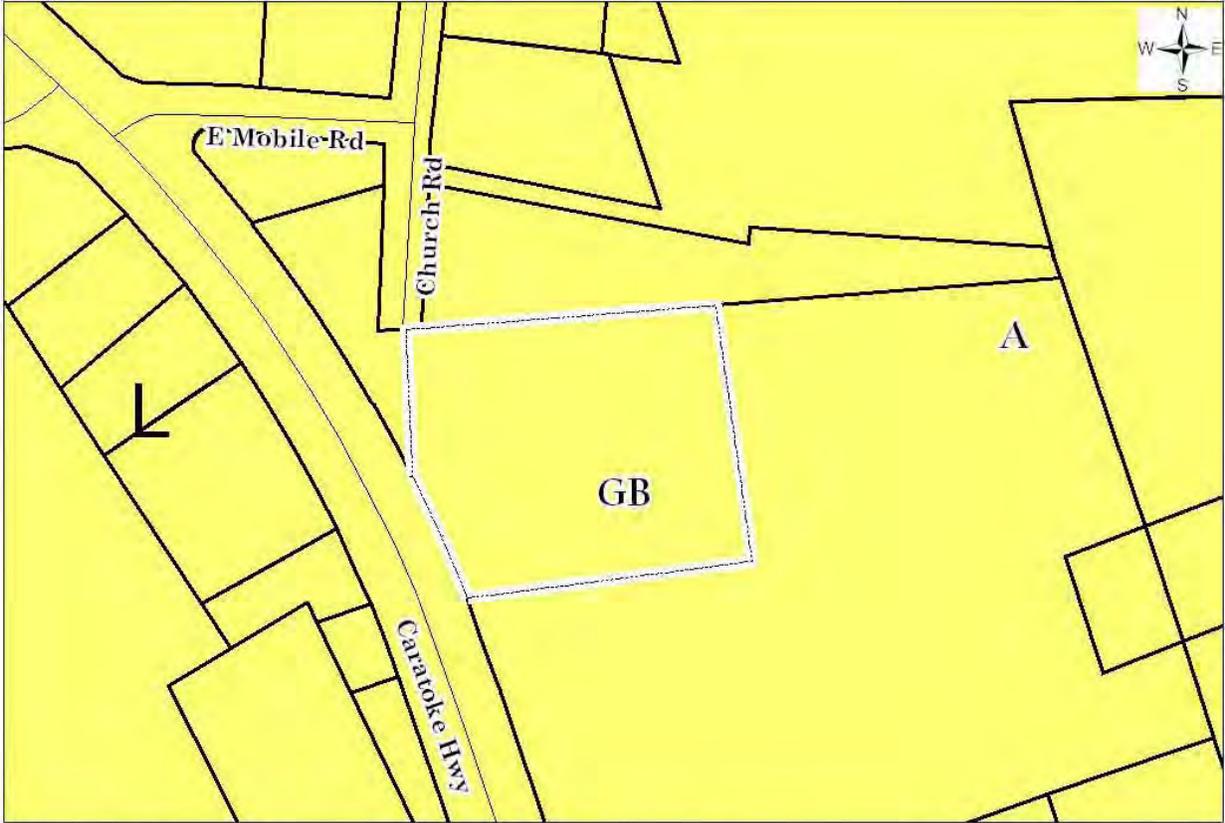




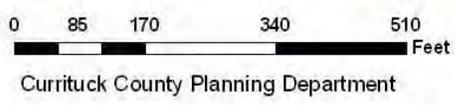
**PB 10-04 Outer Banks Harley Davidson
SUP Request
Zoning Designation**

0 85 170 340 510 Feet
Currituck County Planning Department





**PB 10-04 Outer Banks Harley Davidson
SUP Request
Land Use Classification**



Currituck County

Planning Department
Post Office Box 70
Currituck, North Carolina 27929
252-232-3055
FAX 252-232-3026

TO: Kevin Johnson, President
Maurice Slaughter, Owner

FROM: Tammy Glave, CZO
Planner II

DATE: February 16, 2011

SUBJECT: Outer Banks Harley Davidson – Special Use Permit
2011 Outer Banks Bike Week and Bike Fest
(Post TRC Comments)

The following comments have been received for the February 16, 2011 TRC meeting. In order to be scheduled for the March 8, 2011 Planning Board meeting, please address all comments and resubmit a corrected plan by 3:00 p.m. on February 21, 2011. TRC comments are valid for six months from the date of the TRC meeting.

Zoning (Tammy Glave 252-232-6025):

Approved with corrections:

3. The original site plan approval was for three additional buildings. The existing building was required to have 46 parking spaces (approved at 1:400 instead of 1:200), so there are extra parking spaces available at this time. Please note that drive aisles cannot be blocked. The applicant plans to restrict this parking area to motorcycles only.
4. Overflow and non-motorcycle parking must be adequately addressed. The applicant has signed permission for satellite parking at Carolina Designs Realty, Barrier Island Welcome Center, Mutiny Tattoo, and Harbinger Post Office. Mutiny Tattoo is the only location approved for customer satellite parking. All other listed locations are either greater than 300' from the subject property or are considered unsafe for pedestrians (crossing Caratoke Highway). Carolina Designs Realty, Barrier Island Welcome Center, and Harbinger Post Office may be used for employee satellite parking only. *(The applicant is trying to obtain parking from Powells Point Christian Church for non-motorcycle vehicles. They are to provide how many vehicles are expected and the number of spaces available at the church.)*
5. According to Section 3.10.4 of the UDO, the following special requirements must be met:
 - a. The amount of noise generated shall not disrupt the activities of adjacent land uses.
 - b. The applicants shall guarantee that all litter generated by the special event be removed at no expense to the county.

- c. Parking generated by the event shall be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners to the beneficial use and enjoyment of their property.
- d. In cases where it is deemed necessary, the board may require the applicant to post a bond to ensure compliance with the conditions of the special use permit.
- e. If the permit applicant requests the county to provide extraordinary services or equipment or if the county otherwise determines that extraordinary services or equipment should be provided to protect the public health or safety, the applicant shall be required to pay to the county a fee sufficient to reimburse the county for the costs of these services. This requirement shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.

Information Technology (Harry Lee, 252-232-2034)

Reviewed without comment.

Albemarle Regional Health Services (Joe Hobbs, 252-232-6603)

Reviewed with comments:

- 7. Event Coordinator needs to consult with health department concerning these 2 proposed events(OUTER BANKS BIKE WEEK APRIL 16-24 2011 and OUTER BANKS BIKE FEST SEPT. 30 thru OCT. 2 2011).
- 8. Event Coordinator needs to fill out one COORDINATOR'S APPLICATION for a TEMPORARY FOOD EVENT PER EVENT and submit application to health dept. 4 weeks prior to event.
- 9. Each FOOD VENDER will need to consult with health dept., fill out a required application with a \$75.00 dollar fee and submit to health dept. at least 2 weeks before event.
- 10. An approved public water supply must be available to serve the vendors. Consult with Health Department concerning this issue.
- 11. Port-a-Jons will be required and maintained properly by a NC Licensed Portable Sanitation Management firm.
- 12. PLEASE CONSULT WITH HEALTH DEPT. AS SOON AS POSSIBLE FOR HELPFUL ASSISTANT WITH THESE PROPOSED EVENTS. *PLEASE CONTACT MS. ANGELA RODRIGUEZ REHS ENVIROMENTAL HEALTH SPECIALIST AT (252)232-6603 THANK YOU.

Soil and Water (Mike Doxey, 252-232-3360)

Approved without comment.

NCDENR Land Quality (Pat McClain, 252-946-6481)

Reviewed without comment.

Currituck County Parks and Recreation (Jason Weeks, 252-232-3007)

Approved with corrections:

2. Park Rental Fees will not be waived for this event as it is my opinion that the number of vehicles could in fact hinder the public's use of the park facility. I recommend approval if the overflow parking is addressed properly. Signage will need to be posted at the park 1 week in advance of the event date.

Currituck County Emergency Management (James Mims, 252-232-4024)

Approved with comment:

4. Maintain designated egress from property and structures.
5. Acquire proper permits for any tents, canopies, and air supported structures.
6. Respond to the following Emergency Managers comments: From the EM perspective...the 2nd of the two weeks is in the height of hurricane season. 1st, do they have a "rain date" or alternate plans in the event of a hurricane and a plan to convey these possible schedule changes? 2nd, do they understand the resources they are counting on could be otherwise occupied if we are in the midst of preparing for and conducting an evacuation? 3rd, will they comply with our evacuation orders and be proactive in conveying the information to their attendees? *(In the event of a hurricane, the event will be cancelled. They will follow evacuation orders and advise participants of those orders)*

NC Division of Coastal Management (Charlan Owens, 252-264-3901)

Reviewed without comment.

Public Utilities (Pat Irwin, 252-232-2769)

Approved without comment.

County Engineering Department (Eric Weatherly, 252-232-6035)

Reviewed without comment.

Please note that comments were not received from the following:

Currituck County Sheriff (Susan Johnson, 252-453-8204)
Currituck County Economic Development (Peter Bishop, 252-232-6015)
Currituck County Code Enforcement/CAMA (Stacey Smith, 252-232-6027)
Currituck County Building Inspections (Spence Castello, 252-232-6020)
Currituck County Schools (Megan Doyle, 252-232-2223)
Local Volunteer Fire Chief
NCDOT (Jim Hoadley, 252-331-4737)
NC State Archeology (Lawrence Abbott, 919-807-6554)
US Army Corps of Engineers (Kyle Barnes, 910-251-4584)
NCDENR Public Water (Siraj Chohan, 919-715-3235)
NCDENR Water Quality, (Kim Colson 919-733-5083, Ext. 540)
NCDENR Environmental Management (Roger Thorpe, 252-948-3923)
NCDENR Aquifer Protection, David May
NCDENR Environmental Health/Onsite Wastewater, Bob Uebler
NCDENR, Marine Fisheries, Kevin Hart

NCDENR Water Quality/Surface Water Protection, Al Hodge
NC Wildlife, Maria Dunn
Embarq, Hester Jones
Dominion Power, Troy Lindsey
Charter Communications, Sam Scilabba
Centurylink, Kimberly Hoevenair

The following items are necessary for resubmittal:

- 3 - full size copies of revised plans, if applicable.
- 1- 8.5"x11" copy of all revised plans, if applicable.
- 1- PDF digital copy of all revised documents and plans.

**POST EVENT REPORT FOR THE
BOARD OF COMMISSIONERS
May 17, 2010**

PB 10-04 Outer Banks Harley Davidson Special Use Permit

The Outer Banks Harley Davidson held its Outer Banks Bike Week on April 18-25, 2010. On May 12, 2010, Kevin Johnson, President and Chief Operating Officer, met with Mary Beth News, Emergency Management Director; Sandy Casey, Chief Deputy; Jason Banks, Lieutenant; Ben Woody, Planning Director; and Tammy Glave, Planner II.

Staff concludes that the following special use permit and fire code requirements were not met at this event:

Parking

1. Parking generated by the event was to be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners to the beneficial use and enjoyment of their property.

Violation: The Sheriff's office advised that vehicles were parked along Caratoke Highway, Church Road, and East Mobile Road. Pedestrians were crossing Caratoke Highway to access the event creating a safety hazard. Vehicles parked along Church Road and East Mobile Road blocked access to some of the dwellings along those roads.

Potential Solution: Applicant to provide satellite parking lots (possibly County park) and shuttle customers to the event. The applicant will also pursue using the parcel across from the Powells Point Christian Church (0131-000-0093-0000).

2. The application was to provide "No Parking" signs along Caratoke Highway and Church Road and enforce towing.

Violation: Upon inspection, there were no "No Parking" signs along Caratoke Highway and only a few along Church Road. The applicant had placed "No Parking" signs along the sides of the roads, but the customers ran over them or removed them. The applicant did not enforce towing in the no parking areas. The Sheriff's office subsequently enforced towing.

Potential Solution: The applicant will contact NCDOT about divided lanes (one lane for bikes and another for cars), temporary stop light, barricading roads, etc. Ultimately, the applicant wishes to provide a satellite parking lot with a shuttle service.

Security

6. The applicant was to provide adequate security for the event.

Violation: The Sheriff's office provided one deputy for the event. One deputy was not able to adequately protect the public health and safety.

Potential Solution: The Sheriff's office determined that a minimum of two deputies will be required on weekdays and three or four deputies would be required on the weekends. Hiring a private security firm was also encouraged.

Fire Code

1. There were sheds, a fuel tank, etc. in the fire lane that were to be removed prior to the event.

Violation: The fire lane was not cleared prior to the event.

Potential Solution: The fire lane is to be cleared immediately.

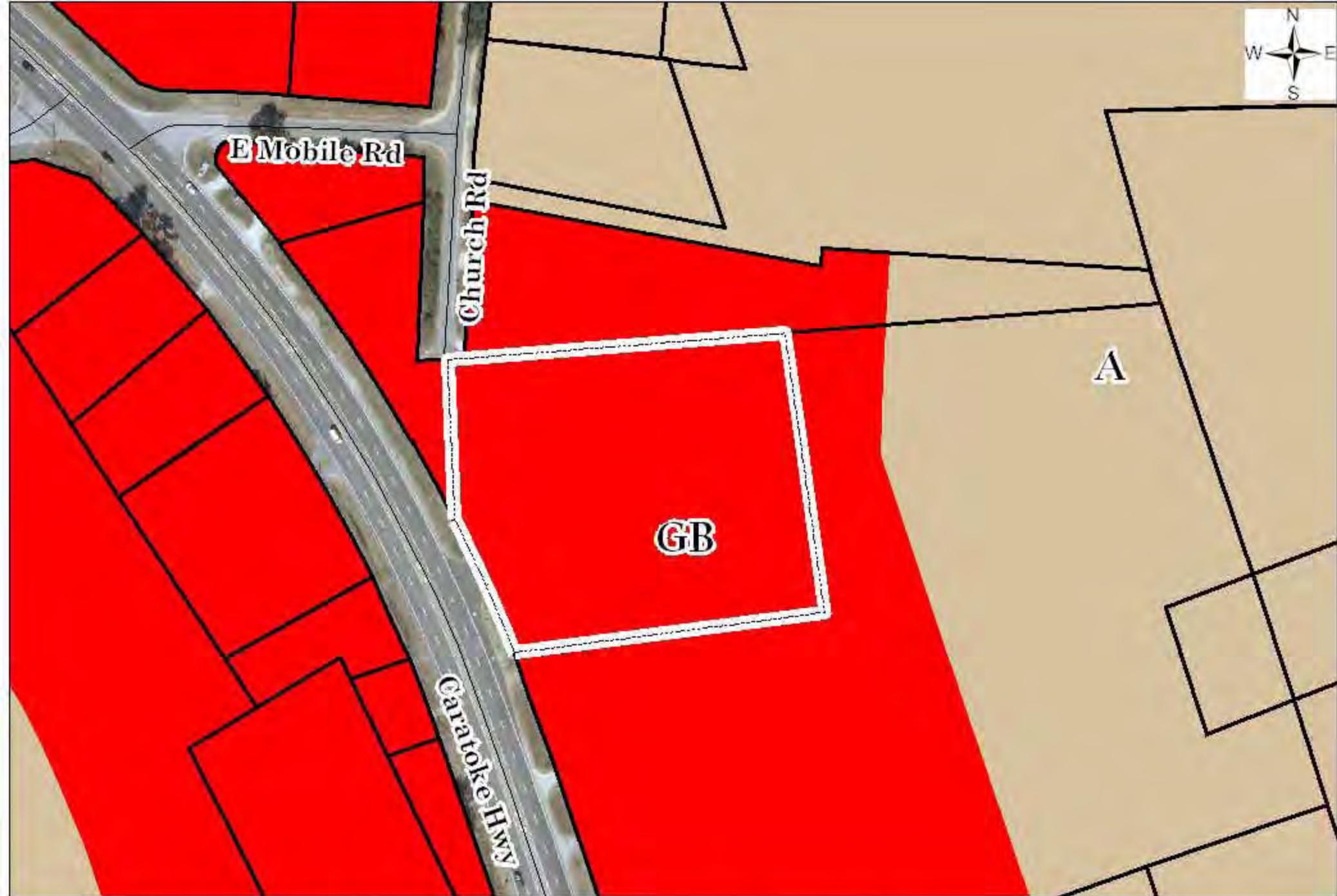
In conclusion, everyone is in agreement that Bike Week was a success and will be encouraged to continue so long as the above issues are adequately addressed. The applicant said they had about 12,000 people at this event and expect it to grow to 25,000-30,000 people.

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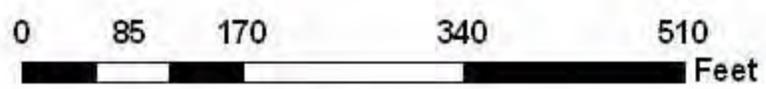


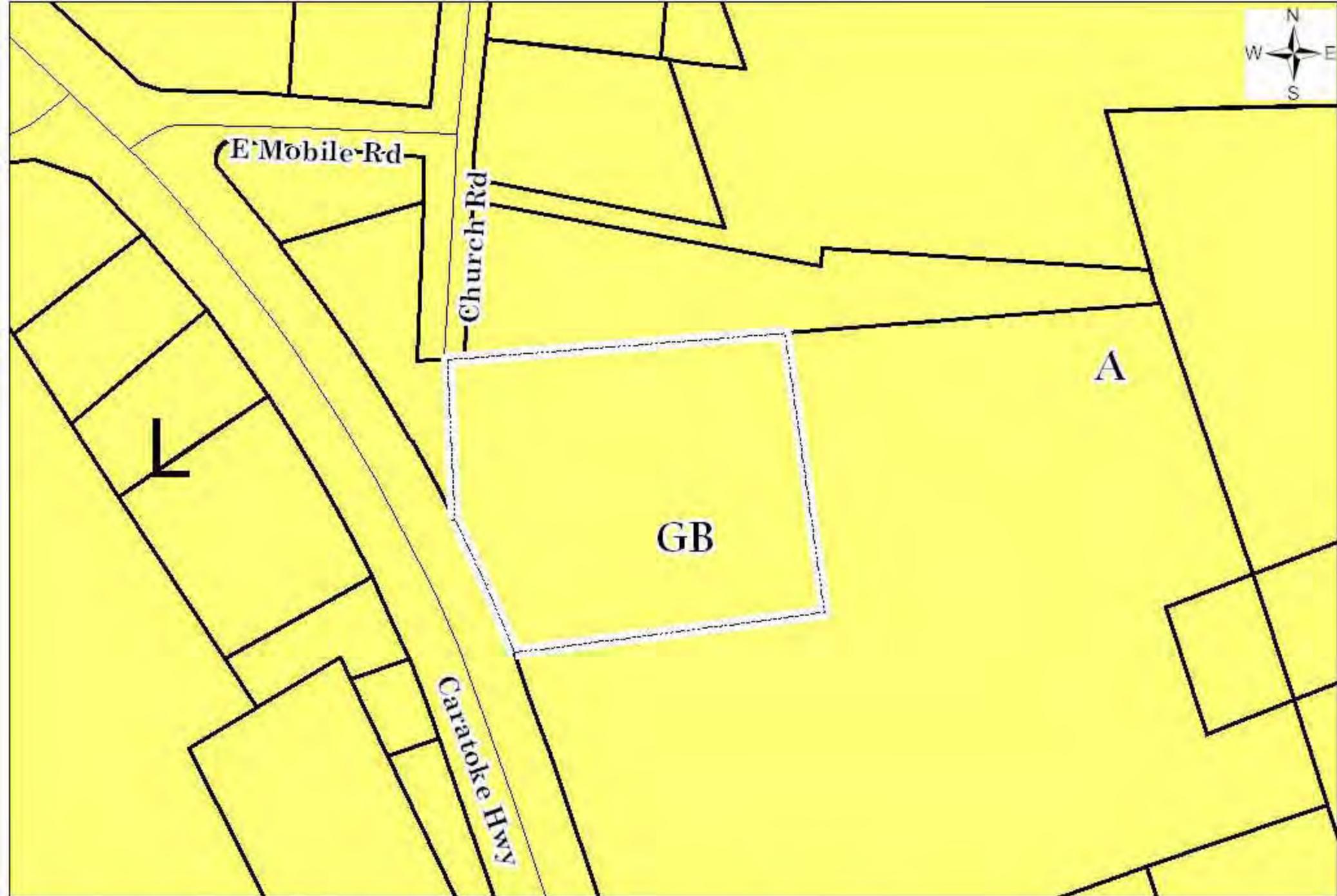
**PB 10-04 Outer Banks Harley Davidson
SUP Request
January 2008 Aerial Photography**





**PB 10-04 Outer Banks Harley Davidson
SUP Request
Zoning Designation**





**PB 10-04 Outer Banks Harley Davidson
SUP Request
Land Use Classification**





Currituck County

Department of Planning
Post Office Box 70
Currituck, North Carolina 27929
252-232-3055
FAX 252-232-3026

MEMORANDUM

To: Board of Commissioners
From: Planning Staff
Date: March 22, 2011
Re: PB 10-23 Quible and Associates

The attached text amendment to the Unified Development Ordinance submitted by Quible and Associates requests a modification of the current recreational campground regulations. The proposed amendment request expands the potential for Recreational/Residential (RR) zoning within the county, establishes a revised definition of recreational vehicles, and extends the period in which a camper can remain on a camping lot.

Currently, the Recreation/Residential (RR) zoning district is retained in the Unified Development Ordinance for the purpose of regulating the existing campgrounds and camper subdivisions. It is not intended for the RR district to be expanded except for the extension of existing RR zoning on a tract split by zoning lines. Quible and Associates is requesting the board amend the UDO to allow the establishment of new RR districts in the county.

Based on the past experience with the operations of the existing campgrounds in the county, the planning staff has uncertainties with the proposed text amendment. The existing campgrounds have been the site of many enforcement complaints such as recreational vehicles used as permanent dwellings and permanent additions to campers. If the campground is properly managed, it could provide another recreational opportunity in the county. However, staff has reservations with the following items of the proposed text amendment:

1. Allowing the zoning district to be applied countywide. Staff recommends language to prohibit recreational campgrounds in the Outer Banks Overlay.
2. Removing the density language from Section 2.2.2. F. of the UDO. Staff recommends establishment of a density standard or open space allocation.

3. Allowing campers to remain on a camper lot for 180 days (increase from 90 days). Staff recommends the definition of a Camping Unit not be changed (duration).

In addition to the above noted items, the board may consider recommending regulations for the following:

1. Establishment of minimum street buffers;
2. Prevention of direct access to a public road from a campsite within a campground;
3. Establishment of minimum street standards for internal access roads;
4. Consideration of maintenance responsibilities and bonding for streets, drainage, recreational facilities, and utilities; and,
5. Consideration of transfer of title of campsites.

Should you have any questions, do not hesitate to contact Donna Voliva at 232-3055.

The Planning Board **recommended denial** of PB 10-23 due to its inconsistency with the 2006 Land Use Plan and that the request is not reasonable and not in the public interest and does not promote orderly growth and development.

PLANNING BOARD DISCUSSION (3-8-11)

Mr. Clark asked if the soil types should be added as a condition for reason of denial.

Ms. Voliva stated the soil survey is a guide that is used by staff but not always correct.

Mr. West asked for clarification on the septic system.

Ms. Voliva stated there will be individual type septic systems. The engineer will be able to provide more information. The ordinance sets a minimum standard for lots which is 3,000 sq. ft.

Mr. Valdivieso stated he is here on behalf of South Spot LLC. Mr. Valdivieso provided an overview of the text amendment request. There is a need for an upscale RV campground. Mr. Valdivieso stated the current RR zones are on top of the existing campgrounds. Mr. Valdivieso stated the county has ordinances in place that would address problems of current campgrounds, i.e. additions and living in them permanently. The ordinances should be enforced. Mr. Valdivieso stated they had a workshop which provided information on what was being proposed. From this meeting they have brought back a plan of what was discussed at the workshop. Mr. Valdivieso addressed items in the case analysis. They have agreed with language to prohibit recreational campgrounds in the Outer Banks Overlay, establishment of a density standard or open space allocation, street buffers, and direct access to a public road from a campsite within the campground. They would like the length of stay for campers to remain 180 days. Establishment of minimum street standards, bonding for streets, drainage, recreational facilities, and utilities, and transfer of title of campsites should be left up to the discretion of the owner of the facility.

Mr. Midgette asked what a camper cabin is.

Mr. Valdivieso stated they are small cabins that will be rented out. All vehicles will be license and current in the campground.

Mr. Valdivieso provides an overview of Ocean Meadows RV Resort. Mr. Valdivieso pointed out where the proposed septic fields will be located and soil testing has been done to identify areas that are suitable for septic. The concept is to have a septic or pump tank that will serve 5 to 6 sites and they will be approved by Albemarle Health. Mr. Valdivieso addressed some of the concerns that arose from the community meeting on March 3, 2011. The campground will have an onsite manager.

Mr. West asked if the site plan would have to come back to the Planning Board.

Ms. Voliva stated the special use permit request would have to come back to the Planning Board.

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Mr. Hall stated he is the owner of Pointe Golf Club. This is a good idea but a terrible location. This request is not compatible with the area. Mr. Hall stated there is a major drainage area running through this area and concerned with the overflow of drainage.

Mr. Scarborough stated there is a lot of traffic from the horse farm and the roads are narrow. Mr. Scarborough is concerned with the impact this will have on the commercial fishermen.

Mr. Parker stated this request is not compatible with the area and he is concerned with the retention pond set-up, stormwater run off and increase in traffic.

Mr. Midgette is concerned with drainage and stormwater issues. Mr. Midgette is opposed to this request.

Mr. Clay Scarborough stated this is to be a high end RV resort, but they are going to have tent camping as well as cabins. Mr. Scarborough is opposed to this request.

Ms. Scarborough stated she is concerned with the increase in traffic and Spot is a dead end road.

Ms. Montesi stated this is not an environmental friendly project. She is concerned that Spot is a dead end road, stormwater issues, impact on the water table, drinking water, property values will decrease, security, fire, alcohol, length of stay and road problems. Ms. Montesi is opposed to this request.

Mr. Stone is opposed to this request.

Mr. Godwin stated Spot is a nice place to live and does not want this RV resort at this location. Mr. Godwin is opposed to this request.

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Mr. Lynch talked about the proposed septic systems. This request is not compatible with the area and is opposed to the request.

Mr. Kauffman stated he represents South Spot LLC and there is a misconception of what they want to do and they want to be good neighbors. Mr. Kauffman provided an overview of the resort. The tent sites will not be apart of this plan because they are not compatible with the proposed project. The project will generate a lot of dollars for the county as well as create job opportunities. The stormwater issue will be addressed by Quible and Associates in the design. Mr. Kauffman stated they would like to be apart of the solution to the street issues.

The Planning Board discussed the distance from Hwy. 168 to the campground entrance and the request would be countywide.

Mr. Midgette asked how long the amendment has been in place in the ordinance.

Ms. Voliva stated since 1989.

Mr. Midgette asked if this will be addressed in the UDO rewrite.

Mr. Woody stated the UDO rewrite process is not this far along.

ACTION

Ms. Newbern moved to deny PB 10-23 due to its inconsistency with the 2006 Land Use Plan and that the request is not reasonable and not in the public interest and does not promote orderly growth and development. Mr. West seconded the motion. Motion carried unanimously.

**Quible and Associates
PB 10-23
UDO AMENDMENT REQUEST**

An amendment to Chapter 2: Zoning Districts, Chapter 3: Special Requirements, and Chapter 17: Definitions to modify recreational campground requirements.

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: Zoning Districts, Section 2.2.2. Residential Districts Established is amended by removing the following strikethrough language:

- F. Residential/Recreational (RR) District: The Residential/Recreational (RR) district is designed to provide for ~~some existing~~ campgrounds and camper subdivisions, ~~and is retained for the purpose of regulating these existing uses. It is not intended that this district be expanded except in cases where:~~
- ~~1. An existing property containing an RR designation is split by zoning lines; and,~~
 - ~~2. The expansion only occurs within the lot boundaries as such boundaries existed as of April 2, 1989; and,~~
 - ~~3. The campground/camper subdivision meets all criteria established in Chapter 3 in addition to not exceeding an overall maximum density of 5.5 units (includes campers and motel rooms) and beds (includes group sleeping quarters) per acre.~~

Item 2: That Chapter 3: Special Requirements, Section 3.7.2.2. Dimensional Requirements is amended by adding the underlined text and deleting the following strikethrough text:

- C. Not less than eight percent of the area of the recreational campground shall be devoted to recreational area. Such recreation area may include space for common walkways and related landscaping in block interiors provided that such common open space is at least 20 feet in width, as passive recreation space, but shall include at least half of the total required recreational area in facilities for active recreation such as swimming pools or beaches, ball fields, shuffleboard courts, play lots for small children and the like, of a nature so designed to serve the type of campers anticipated and so located as to be readily available from all spaces and free from traffic hazards.
- D. No camper larger than 8' x 40' including the tongue that which is legally allowed to travel on the North Carolina state highway system without issuance of an oversize/overweight permit will be located on a designated camper lot.

Item 3: That Chapter 3: Special Requirements, Section 3.7.2.3. Additional Requirements is amended by adding the following underlined text:

- E. With the exception of the campground operator, full-time, year round residency in a camping unit is prohibited.**
- F. To further emphasize and to demonstrate compliance with length of stay restrictions, it shall be the duty of each owner and/or operator of a recreational campground to maintain at all times registration receipts, signed by or for guests with the establishment, showing the dates upon which the sites were occupied by such guests. These registration receipts shall be available for inspection by the administrator during any regular business hours of the facility. The owner and/or operator shall not be required to retain receipts for the purpose of the UDO which are more than two years old.**
- G. Recreational vehicles and trailers shall be licensed and road ready at all times. License plate shall be current.**

Item 4: That Chapter 17: Definitions, Section 17.2. Definitions are amended by adding the following underlined text and deleting the following strikethrough text:

Camping Cabin

A hard sided tent or shelter with plumbing that is designed for transient occupancy within a recreational vehicle park.

Camping Unit

A tent, tent trailer, camping trailer, pickup camper, motor home, recreational vehicle, **camping cabin**, or any other commonly used temporary shelter device used as temporary living quarters or shelter during periods of recreation, vacation, leisure time or travel, (but not utilized as their sole residence). To qualify as a camping unit, vehicular and mobile units shall be eligible to be currently licensed and registered by a governmental body and shall be legal to travel on North Carolina highways without special permits for size, width or other reasons. For purposes of this definition, temporary shelter device shall mean a unit not occupied by the same persons in the campground for more than ~~90~~ **180** days in one year period. A mobile home or manufactured home shall not be considered a camping unit.

Recreational Vehicle (RV)

~~A motor vehicle that is designed for temporary use as sleeping quarters but that does not satisfy one or more of the definitional criteria of a mobile home, and which is:~~

- ~~a. built on a single chassis;~~

- b. ~~400 square feet or less when measured at the largest horizontal projection;~~
- c. ~~designed to be self-propelled or permanently towable by a light duty truck;~~
~~and,~~
- d. ~~not designed for use as a permanent primary dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.~~

A vehicular-type camping unit certified by the manufacturer as complying with ANSI A119.2 or A119.5 and primarily designed to provide travel and destination RVing that either has its own motor power or is mounted on or towed by another vehicle. The basic units are: camping trailer, fifth wheel trailer, motor home, recreational park trailer, travel trailer, and truck camper.

1. **Camping Trailer: A recreational vehicle that is mounted on wheels and constructed with collapsible partial side walls that fold for towing by another vehicle and unfold for use.**
2. **Fifth Wheel Trailer: A recreational vehicle designed to be towed by a motorized vehicle that contains a towing mechanism that is mounted above or forward of the tow vehicle's rear axle.**
3. **Motor Home: A recreational vehicle built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van that is an integral part of the completed vehicle.**
4. **Recreational Park Trailer: A recreational vehicle that meets the following criteria:**
 - 4-1 Built on a single chassis mounted on wheels.**
 - 4-2 Certified by the manufacturer as complying with ANSIS A119.5**
5. **Travel Trailer: A recreational vehicle designed to be towed by a motorized vehicle containing a towing mechanism that is mounted behind the tow vehicle's bumper.**
6. **Truck Camper: A recreational vehicle consisting of a roof, floor, and sides designed to be loaded onto and unloaded from the bed of a pickup truck.**

Item 5: 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 6: This ordinance amendment shall be in effect from and after the _____ day of _____, 200__.

Board of Commissioners' Chairman
Attest:

Gwen H. Keene
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: ____AYES ____NAYS _____

PLANNING BOARD DATE: _____
PLANNING BOARD RECOMMENDATION: _____
VOTE: ____AYES ____NAYS _____
ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

**CASE ANALYSIS FOR THE
Board of Commissioners
DATE: April 4, 2011
PB 11-03 Ocean Meadows RV Resort
Conditional Zoning Request**

ITEM: PB 11-03 Ocean Meadows RV Resort requests to rezone 61.58 acres from Residential (R) with a Planned Adult Retirement Overlay (RET) to Conditional District – Residential Recreational District (CD-RR).

LOCATION: Powells Point: North side of South Spot Road approximately 1000 feet east of Caratoke Highway (US 158) intersection, Poplar Branch Township.

TAX ID: 0124-000-0028-0000

OWNER: South Spot, LLC
PO Box 1237
Nags Head, NC 27959

APPLICANT: South Spot, LLC
PO Box 1237
Nags Head, NC 27959

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Industrial Park/Pasture	LM/A
SOUTH	Low density residential/Golf Course	A
EAST:	Low density residential	A
WEST:	Undeveloped Woodland	A

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as Full Service within the Point Harbor subarea.

CURRENT ZONING: Residential (R) with a Planned Adult Retirement (RET) Overlay

PROPOSED ZONING: Conditional District – Residential Recreational District (CD-RR)

CURRENT USE: Woodland

SIZE OF SITE: 61.58 acres

ZONING HISTORY: On October 2, 2006, the Currituck County Board of Commissions approved a Planned Adult Retirement (RET) Overlay on the subject property with maximum density of 150 mixed-use units (PB 06-43 Griggs Investments).

On July 2, 2007, the Currituck County Board of Commissioners approved the rezoning of 60.05 acres from Agricultural (A) to Residential (R).

UTILITIES: Currituck County water is not available along South Spot Road. Individual septic systems approved by ARHS are proposed with conventional or low-pressure pipe subsurface disposal drainfields.

TRANSPORTATION: Internal access roads will be provided but may not meet NCDOT design and construction standards. South Spot, LLC will design and construct the interior drive aisles based on site specific engineering judgment and industry standards.

FLOOD ZONE: The subject property is not located within the 100-year flood plain and is identified as Flood Zone X.

WETLANDS: The USACOE identified a small area of jurisdictional wetlands on a survey dated August 4, 2009.

SOILS: According to the Currituck County Soils Survey approximately 3+/- acres of the property are considered suitable soils, 20+/- acres considered marginal soils, and 38+/- acres are considered unsuitable soils.

PROPOSED ZONING CONDITIONS:

1. Establishment of a 50 foot wide buffer around the perimeter of the site.
2. No direct access to a public road from any campsite.

COMMUNITY MEETING:

The community meeting is scheduled for March 3, 2011 at 7:00 pm at The Point Golf Course clubhouse in Powells Point. A community meeting report must be provided in advance of the Planning Board meeting.

TECHNICAL STAFF RECOMMENDATION:

The TRC reviewed the conceptual plan on February 16, 2011. A formal site plan submittal must be reviewed by TRC prior to development.

PLANNING STAFF RECOMMENDATION:

The intent of the Residential/Recreational (RR) district is to provide regulation for existing campgrounds and camper subdivisions. The Board of Commissioners must authorize the zoning text amendment to allow new Residential/Recreational (RR) Districts prior to establishing this conditional district zoning map amendment request.

The planning staff recommends denial of the proposed conditional zoning request based on the following:

- The proposed zoning map amendment can be considered incompatible to the nearby residential and industrial land uses. (Land Use Plan Policy CD5).

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.

- Campground operation and maintenance concerns.

The operation and maintenance concerns exist with existing campgrounds in the county. The concerns include infrastructure maintenance, potential long term lease or interest ownership of individual campsites, long term storage of campers, rental of fixed permanent structures, and overall code enforcement of the campground.

PLANNING BOARD RECOMMENDATION:

The Planning Board **recommended denial** of PB 11-03 due to its inconsistency with the 2006 Land Use Plan and that the request is not reasonable and not in the public interest and does not promote orderly growth and development.

PLANNING BOARD DISCUSSION (3-8-11)

Mr. Clark asked if the soil types should be added as a condition for reason of denial.

Ms. Voliva stated the soil survey is a guide that is used by staff but not always correct.

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Mr. Midgette is concerned with drainage and stormwater issues. Mr. Midgette is opposed to this request.

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ACTION

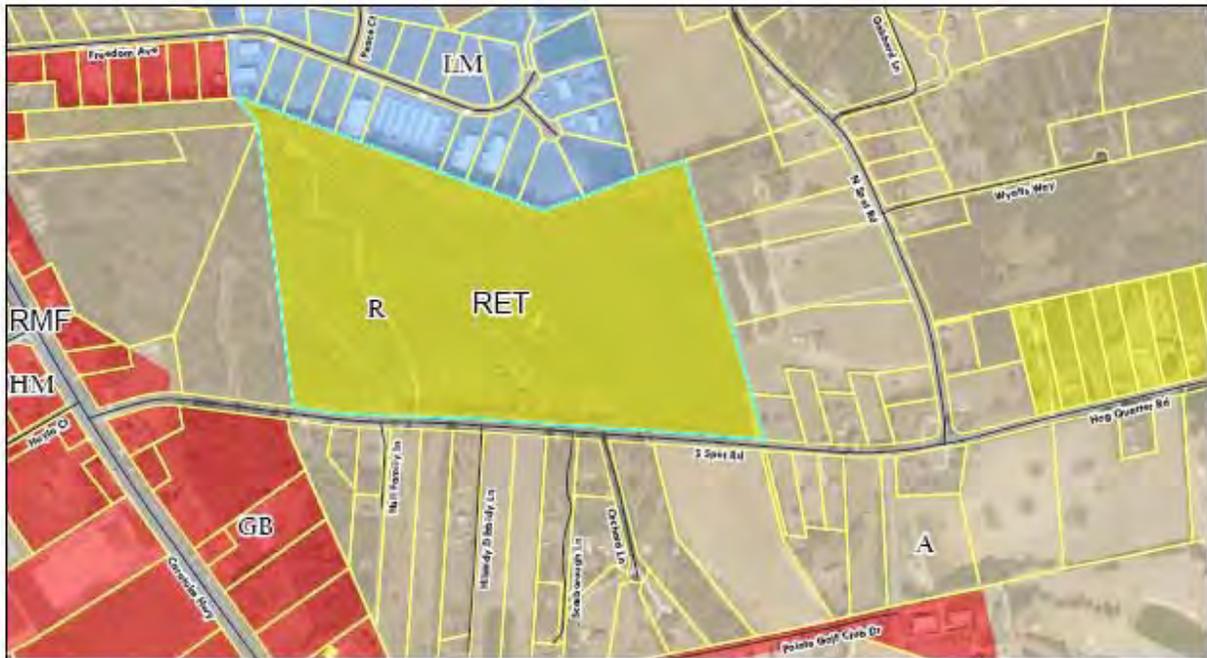
Mr. West moved to deny PB 11-03 due to its inconsistency with the 2006 Land Use Plan and that the request is not reasonable and not in the public interest and does not promote orderly growth and development. Ms. Newbern seconded the motion. Motion carried unanimously.



PB 11-03 Ocean Meadows RV Resort
Aerial Map



0 0.045 0.09 0.18
1 inch = 0.07 miles



PB 11-03 Ocean Meadows RV Resort
Zoning



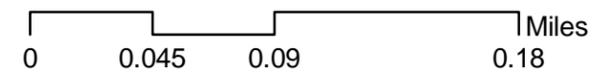
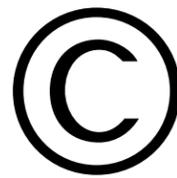
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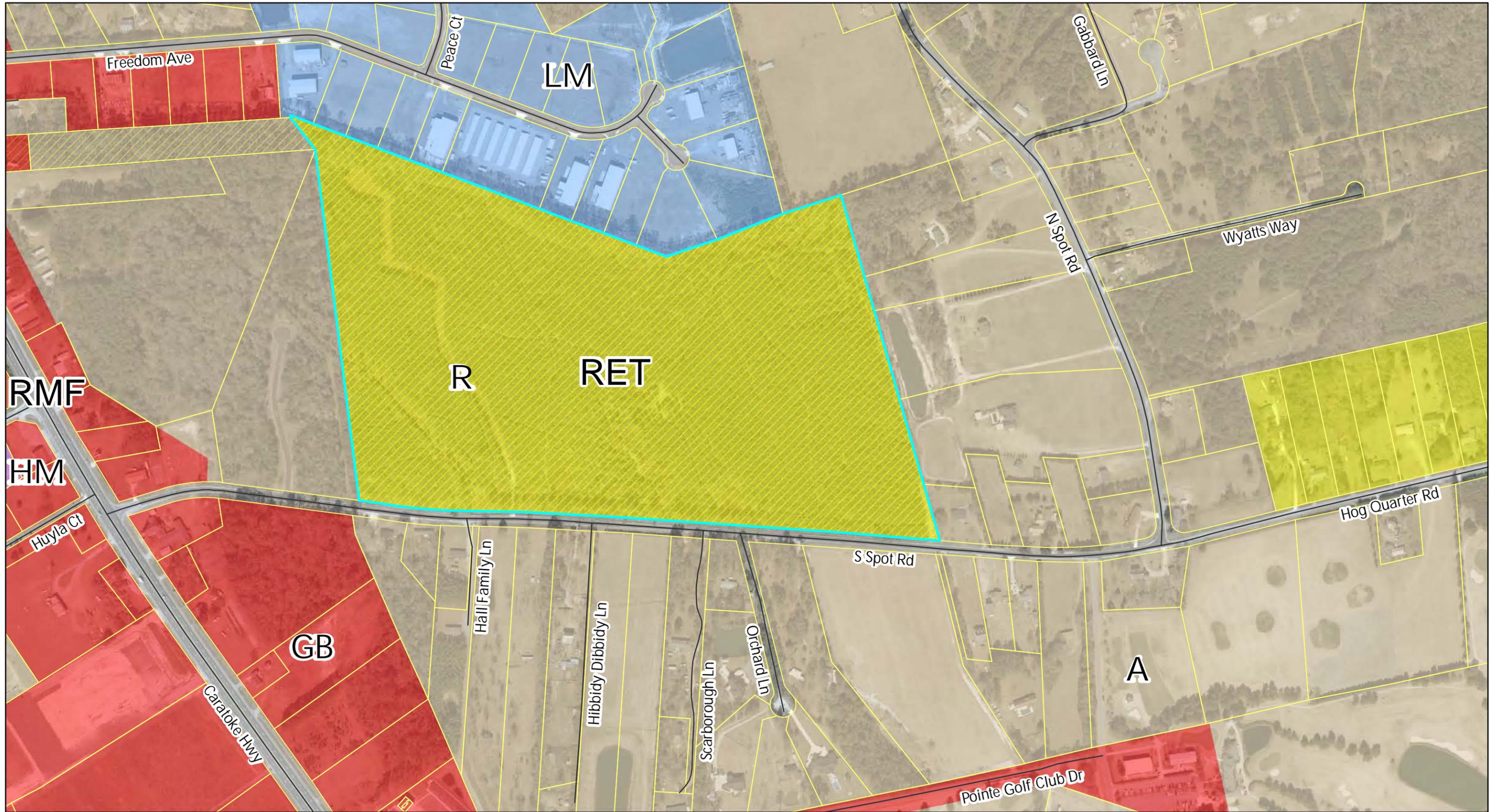


PB 11-03 Ocean Meadows RV Resort Aerial Map

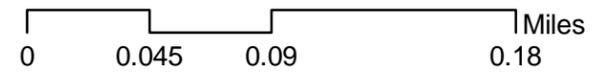
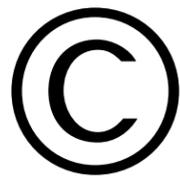


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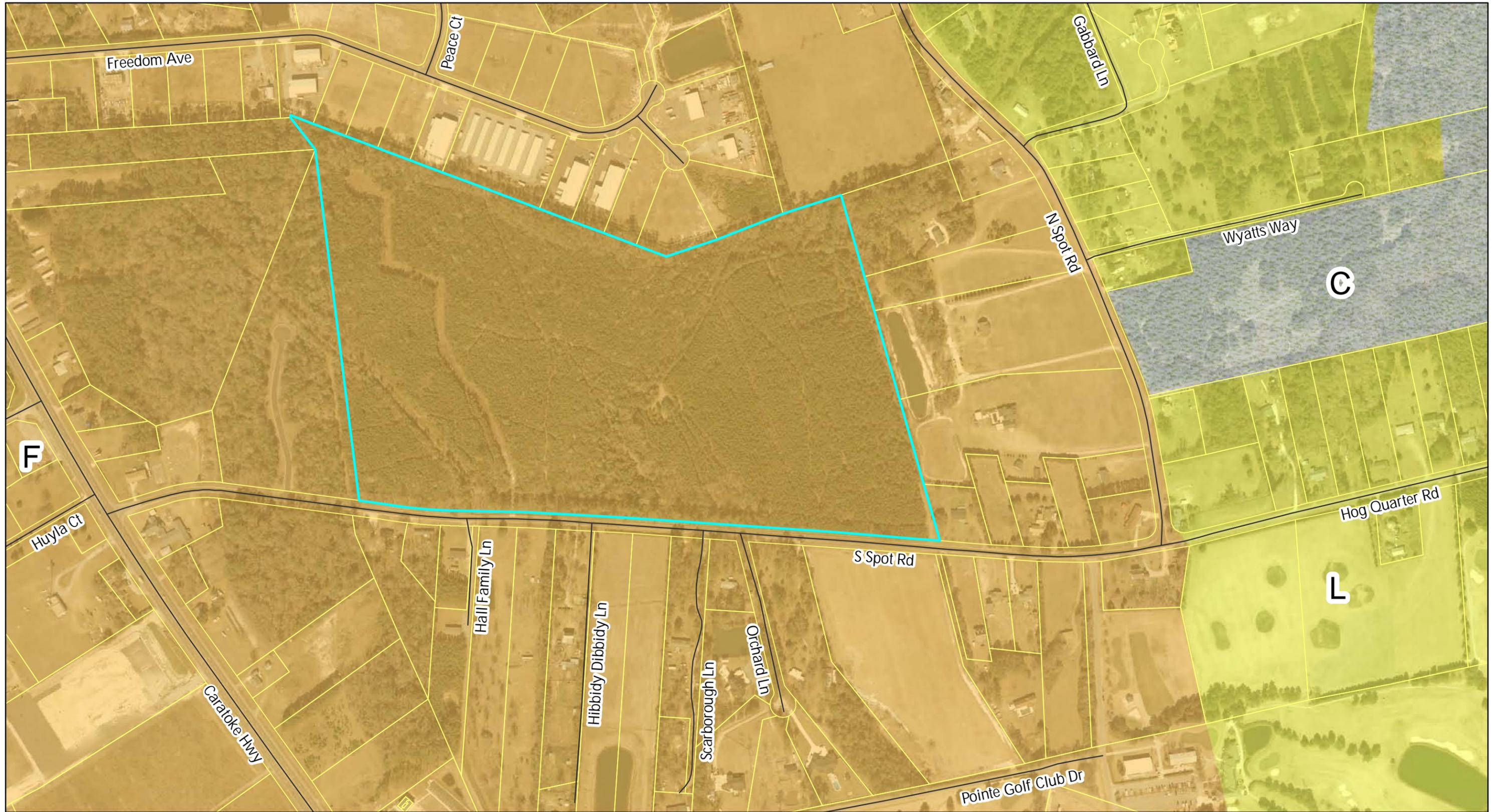


PB 11-03 Ocean Meadows RV Resort Zoning

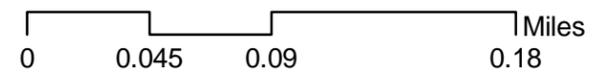
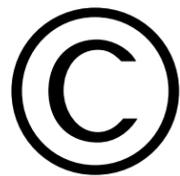


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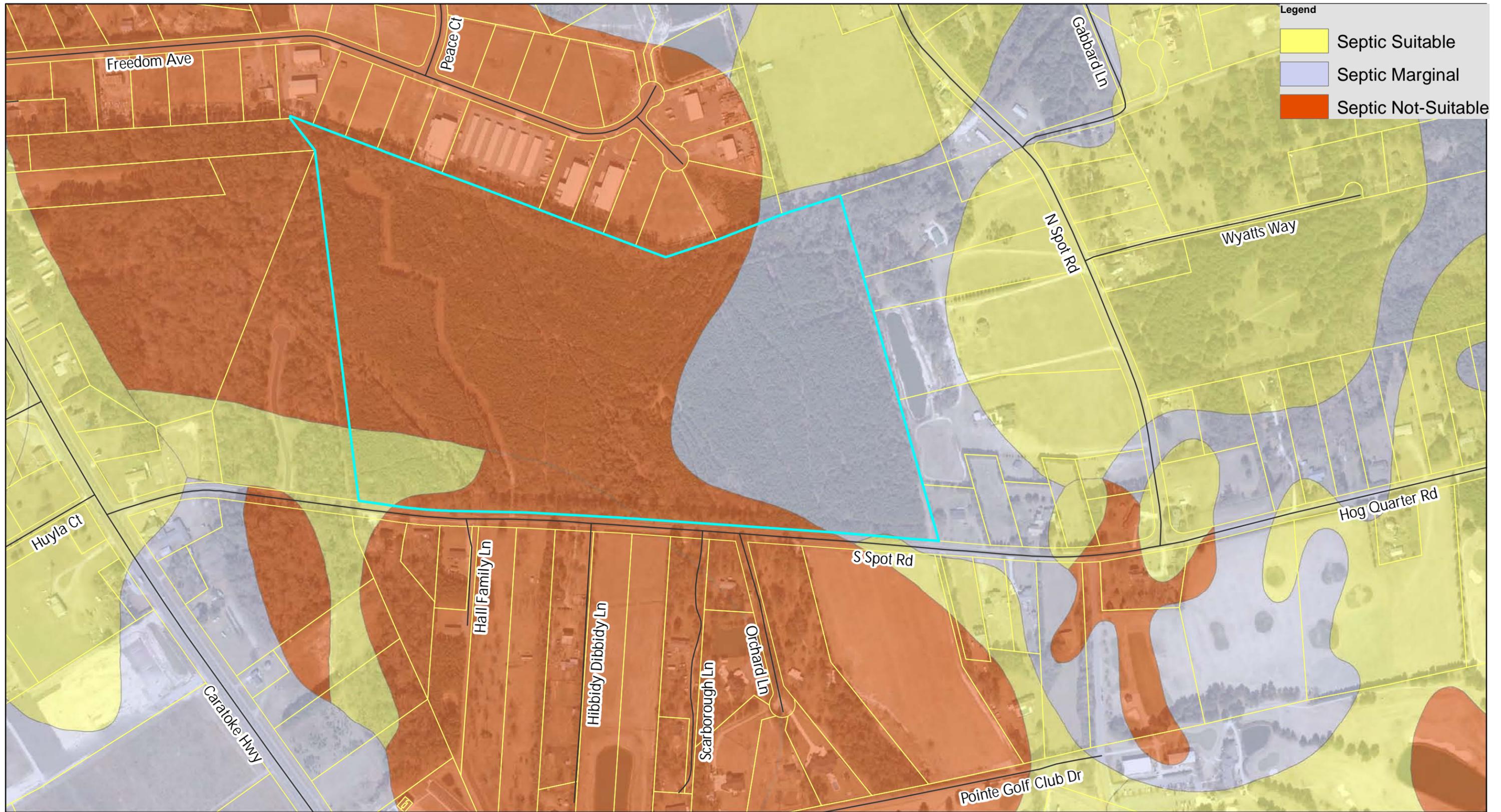


PB 11-03 Ocean Meadows RV Resort
Land Use Classification Map

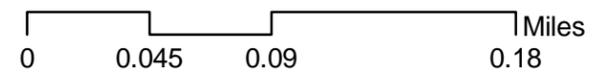
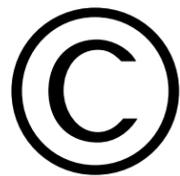


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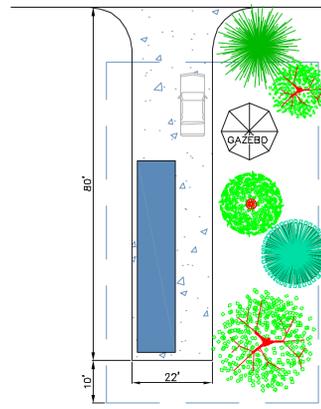


PB 11-03 Ocean Meadows RV Resort
Soils

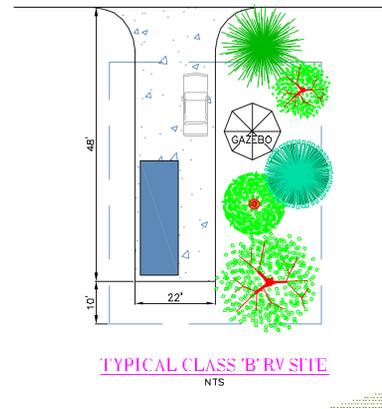


1 inch = 0.07 miles





TYPICAL CLASS 'A' RV SITE
NTS

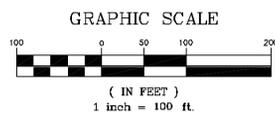


TYPICAL CLASS 'B' RV SITE
NTS

- NOTES:
- OWNERS: SOUTH SPOT, LLC
PO BOX 1237
NAGS HEAD, NC 27959
 - DEED REFERENCE: D.B. 1010, PG. 343
CURRITUCK COUNTY, NC REGISTER OF DEEDS
PIN#: 0124-000-0028-0000
 - CURRENT ZONING DISTRICT: RESIDENTIAL (R) WITH RETIREMENT OVERLAY (RET)
 - PROPOSED ZONING DISTRICT: CD-RR CONDITIONAL DISTRICT RESIDENTIAL RECREATION.
 - TOTAL PROJECT AREA: 2,682,598 sq.ft. - 61.58 acres
UPLANDS: 2,659,113 sq.ft. - 61.04 acres
WETLANDS: 23,485 sq.ft. - 0.54 acres (PENDING USACOE VERIFICATION)
 - TOTAL CAMPSITES PROPOSED NOT INCLUDING TENTS: 222
- CLASS A RV SITES: 178 (50' X 80')
- CLASS B RV SITES: 26 (35' X 40')
- CABINS: 18 (28' X 20')
222 SITES

TENT SITE IS ROUGHLY ONE ACRE
 - AMENITIES:
- GENERAL STORE
- SWIMMING POOL
- CLUB HOUSE
- PRIVATE LAKE (+/- 7 ACRES)
- FISHING
- KAYAKING
- PLAYGROUND
- OPEN LAWN AREAS
- BATH HOUSES
 - OPEN SPACE CALCULATION:
- CD-RR AREA = 61.58 acres

- OPEN SPACE PROVIDED:
SITE AREA: 61.58 acres
(-) RV/CABINS (21.35 acres)
(-) R/W AREA (9.71 acres)
(-) TENT AREA (1.39 acres)
TOTAL OPEN SPACE PROVIDED = 29.13 acres
 - DENSITY CALCULATION:
ALLOWED = 5.5 units/acre = 3 units x 61.58 acres = 338 units
PROVIDED = 222 RV/CABIN SITES = 3.60 units/acre
 - TOTAL STREET R/W = 241,274 sq.ft. - 5.54 acres
 - PROPERTY IS LOCATED IN A F.I.R.M. ZONE "X"
COMMUNITY PANEL # 3720983700J (INDEX DATED 09/20/06)
SUBJECT TO CHANGE BY FEMA.
 - BOUNDARY DATA BASED ON D.B. 1010, PG. 343, C.C.R..
 - HORIZONTAL DATUM IS NAD83 & VERTICAL DATUM IS NAVD 88'.
 - WASTEWATER TREATMENT & DISPOSAL TO BE PROVIDED
VIA ONSITE SEPTIC SYSTEMS. WATER SUPPLY VIA CURRITUCK COUNTY PUBLIC
WATER SUPPLY SYSTEM.
 - THE PROJECT WILL INCORPORATE A FIFTY FOOT WIDE BUFFER OF SUBSTANTIAL
NATURAL (SUPPLEMENTED AS NEEDED) VEGETATION AROUND WITHIN THE
PERIMETER OF THE SITE. WASTEWATER INFRASTRUCTURE MAY ENCROACH IN
THIS BUFFER.



DRAWING FILE: P08058-COLOR
PLOT SCALE: 1"=100'

Quible since 1959
& Associates, P.C.
ENGINEERING • CONSULTING • PLANNING
ENVIRONMENTAL SCIENCES • SURVEYING
PO BOX 970, Hwy. 100, NC 27849
Phone: 754-221-1111
E-Mail: admin@quible.com

CERTIFICATION
I, the undersigned, being a duly licensed Professional Engineer in the State of North Carolina, do hereby certify that I am the author of the foregoing plan and that I am a duly licensed Professional Engineer in the State of North Carolina.

NO.	DATE	REVISIONS

CD-CONCEPT PLAN
OCEAN MEADOWS RV RESORT
SOUTH SPOT, LLC
CURRITUCK COUNTY
NORTH CAROLINA
POPLAR BRANCH TOWNSHIP

COMMISSION NO. P08058
DESIGNED BY EJV
DRAWN BY TAS
CHECKED BY EJV
ISSUE DATE 01/28/11

SHEET NO.
2
OF 2 SHEETS

Memo

To: O. Vance Aydlett, John Rorer, J. Owen Etheridge, Marion Gilbert, Paul Martin, S. Paul O'Neal, H.M. "Butch" Petrey, Dan Scanlon

From: Currituck Chamber of Commerce

Date: March 7, 2011

Re: Contract with the Currituck Chamber of Commerce

Thank you for your consideration of the attached proposal for the Currituck Chamber of Commerce to work in partnership with Currituck County. There are many areas of potential cooperation between Currituck County and the Chamber that will enhance the business community throughout the county. The Chamber looks forward to partnering with the county to achieve the mutual goal of providing benefits for local businesses.

Proposal

Presented by the Currituck Chamber of Commerce Board of Directors

Chairman: Mike Florez

March 28, 2011

The Currituck Chamber of Commerce is presenting the following proposal to the Currituck County Board of Commissioners. This proposal includes a Program of Work for the Chamber staff to complete during a twelve-month period.

There are three components to this proposal:

1. Implementing a Buy Local campaign;
2. Hosting educational opportunities for businesses;
3. Serving as a grant administrator for a training series.

1. The Chamber will perform work to implement a Buy Local campaign for Currituck County. The goal of the program will be to influence citizens' buying habits and encourage them to spend their dollars at businesses located in Currituck County. This will unite the community by combining the county's greatest resources: local customers and local businesses. By enjoying what local businesses offer, we will not only strengthen our economy, but experience and taste what can be found in Currituck County. Chamber staff will work with the Tourism Department and Economic Development Department to administer several elements of the campaign including:

- Developing the educational component, which will strive to inform local citizens of the importance of purchasing goods and services at businesses located in Currituck County. This is an essential part of the campaign and will require Chamber staff to develop ways to communicate with citizens.
- Signing up businesses for the Buy Local program. This work will include insuring all participating businesses have submitted a sign-up form. Chamber staff will meet one-on-one with local businesses to facilitate registration. This component of the campaign will take a considerable amount of time, but is an essential part on the program as businesses will need to be registered in order to be included in promotional materials.
- Maintaining a database of the businesses signed up for the program. Information from the database (business names, services provided, hours of operation, ect.) will be used for the Buy Local website and other marketing pieces created for the program.
- Securing sponsors to provide incentives for the campaign. These incentives will help entice residents to spend money locally. Work will involve contacting businesses and asking for donations. A donation sign-up form will be distributed by the Chamber and Chamber staff will communicate quarterly incentive prizes to

citizens as part of the campaign. Chamber staff will also administer the awarding of incentive prizes.

- Assisting in the development of a website for the Buy Local campaign. The site will include details of the program and information on how it works. Incentives for shopping local will be promoted through the site. Chamber staff will also promote the site to local citizens. (Note: The website will be owned by Currituck County)
- Working with county staff to develop promotional items for the Buy Local campaign. This will include working to create a promotional tool kit (window clings, posters, etc) for the businesses to use when encouraging locals to shop at county businesses. A printed "Guide to Where the Locals Go" will also be developed through cooperative efforts of the Chamber staff and county staff. This guide will be distributed through the county's visitor centers.
- Tracking (to the extent possible) the effectiveness of the Buy Local campaign. This will include periodically reviewing tax collection amounts, the number of businesses that have signed up for the program, visits to the website, etc.

2. The Chamber will partner with the Economic Development Department to host business educational opportunities for local businesses. These will include workshops and training seminars aimed at assisting business owners, managers, and employees in solving the unique challenges businesses face as well as helping them grow and thrive. The Chamber will aid in developing and implementing these education sessions. The Chamber will advertise these events. The Chamber staff will work on the registration of participants.

3. The Chamber will serve as the grant administrator for the Currituck County Economic Development Training Series, utilizing grant monies available for Currituck businesses to use to pay for registration fees for workshops. There will be \$5000 of grant money available.

Options

The Currituck Chamber of Commerce Board of Directors requests the program of Work agreed upon with the Currituck County Board of Commissioners included all three of the above listed components; however, three options are presented below:

Option 1. The Chamber will work with county staff to execute the “Buy Local” Campaign.
Cost: \$50,000

Option 2. The Chamber will work with county staff to execute the “Buy Local” Campaign and host educational opportunities for businesses.
Cost: \$60,000

Option 3. The Chamber will work with county staff to execute the “Buy Local” Campaign, host educational opportunities for businesses, and serve as grant administrator for the Currituck County Economic Development Training Series.
Cost: \$75,000

Thank you for your consideration of this proposal. The Chamber Board feels that developing a positive working relationship with the Commissioners and county staff is essential, and we look forward to working together for the betterment of Currituck County businesses and citizens.

Should you have any questions, please contact Mike Florez or Josh Bass.

TOURISM ADVISORY BOARD
3 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Petrina Ramey*	District 1		Vance Aydlett	Unexpired Term 2/2/09	November 2010
Lori London	District 2		John Rorer	11/16/09	November 2012
Cindy Seymour	District 3		Butch Petrey		November 2011
Paul Robinson	District 4		Owen Etheridge	Unexpired Term 10/19/09	November 2011
Vivian Simpson**	District 5		Marion Gilbert	Reappointed 11/19/07	November 2010
Don Cheek	At-Large		Paul Martin	Reappointed 11/16/09	November 2012
Janice Farr	At-Large		Paul O'Neal	Reappointed 9/15/08	November 2011

Commissioner O'Neal

*** May Be Reappointed**

**** To Be Replaced**

BOARD OF ADJUSTMENT

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Christian Conner	District 1		Vance Aydlett		12/1/2012
Bryan Bass	District 2		John Rorer		12/31/2011
Theresa Dozier	District 3		Butch Petrey	3/7/2011	1st Term 12/31/2013
Paul Beaumont (4)*	District 4		Owen Etheridge		2nd Term 12/31/2010
Cameron Tabor	District 5		Marion Gilbert	2/21/2011	1st Term 12/31/2013
Ralph Jones	At Large		Paul Martin		12/31/2011
Donald Ferebee	At-Large		Paul O'Neal	12/31/2009	12/31/2011

* May Not Be Reappointed

FIRE AND EMS ADVISORY BOARD
2 Year Term

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Hugh McCain-Corolla	District 1		Vance Aydlett	3/1/2010	2nd 4/1/2012
Rick Galganski - Corolla	District 2		John Rorer	5/4/2009	4/1/2011
Charles Berry	District 3		Butch Petrey	8/16/2010	4/1/2012
Albert Stegner-Bells Island	District 4		Owen Etheridge	5/4/2009	4/1/2011
Mick Lesinski-Moyock	District 5		Marion Gilbert	3/1/2010	2nd 4/1/2012
Chris Dailey - Moyock				5/4/2009	4/1/2011
Stanley Griggs	At-Large		Paul Martin	3/1/2010	1st 4/1/2012
Greg Laput-Moyock	At-Large		Paul O'Neal	3/1/2010	2nd 4/1/2012

Commissioner Aydlett

Gwen Keene

From: HUGH MCCAIN [jhmccain@embarqmail.com]
Sent: Saturday, March 26, 2011 6:02 PM
To: Gwen Keene
Cc: Dan Scanlon; Robert Glover; Vance Aydlett
Subject: Recommendations from FEAB

Good Afternoon,

During our March 24, 2011 FEAB meeting, Commissioner Aydlett recommended that I send the following items to you for inclusion in the upcoming Board of Commissioners meeting. The FEAB would appreciate you taking care of these items.

The FEAB is forwarding for the Board of Commissioners consideration, the following New Member Nominations:

Northern District Nominee - Kurt Black ✓
Mainland District Nominee - Mitch Copeland ✓
Outer Banks District Nominee - George Bergamini ✓
Citizen Appointment by Commissioner Owen Etheridge - currently Albert Stegner This will allow the FEAB to seat the new Board and elect a Chairman and Vice-Chairman.

Secondly, the FEAB voted to recommend that the Board of Commissioners consider the following:

-That the Chief of Currituck County Fire & EMS be an established voting member of the FEAB.

-That due to the increase in the BOC from 5 members to 7 members, it would be more representative for the County to appoint an additional Citizen Appointment to the FEAB, making a total of 9 voting members on the FEAB. Providing the Commissioners agree with extending the voting duty to the Chief of Fire & EMS, this would also establish an odd number of votes on the FEAB.

Thank you for your cooperation. Let me know if you need any additional information.

Respectfully Submitted,

Hugh A. McCain, Chairman
Currituck County Fire and EMS Advisory Board jhmccain@embarqmail.com

252-267-3330 - cell phone

March 26, 2011

CURRITUCK COUNTY
NORTH CAROLINA
March 21, 2011

The Board of Commissioners met at 6:00 p.m. with the Whalehead Board of Trustees to review the Master Plan.

The Board of Commissioners met at 7:00 p.m. for its regularly scheduled meeting at the Historic Courthouse in the Commissioners Meeting Room with the following members present: Chairman Aydlett, Commissioners O'Neal, Gilbert, Martin, Etheridge and Rorer.

Invocation and Pledge of Allegiance

The Reverend Walter Gallop, was present to give the invocation.

Approval of Agenda

Commissioner Rorer moved to amend the agenda by adding a resolution to the consent agenda to DOT to reduce speed limit on Poplar Branch road. Commissioner Petrey seconded the motion. Motion carried

- Item 1 Approval of Agenda
- Item 2 Public Comment
Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.
- Item 3 **Recognition, Currituck Chapter of Ducks Unlimited**
- Item 4 **Public Hearing and Action:** PB 10-31 Currituck County: Request to amend the Unified Development Ordinance, Chapter 2, Section 2.7 and Chapter 11, Section 11.5 to address land disturbance permitting requirements for existing lots and reduce minimum widths for lots in the RO1 zoning district.
- Item 5 **Public Hearing and Action:** PB 10-26 Currituck County Sign Ordinance: Request to amend the Unified Development Ordinance, Chapter 7 Signs and Chapter 17 Definitions of the UDO to reflect changes proposed by the staff and the Sign Ordinance Evaluation Committee.
- Item 6 **Discussion and Consideration of amendment to Article 4, Section 12-62(4) parking restrictions, Currituck Code of Ordinances, to authorize parking west end of Herring Street.**
- Item 7 **Discussion on Ocean Hill I Property Owners, proposed legislation to withdraw streets from public dedication**
- Item 8 **Appointments to Board of Adjustment**
- Item 9 **Consent Agenda:**
 - 1. Resolution opposing tolls for Knotts Island Ferry
 - 2. Approval of March 7, 2011, Minutes
 - 3. Budget Amendments
 - 4. Resolution to DOT to reduce speed limit on Poplar Branch Road
- Item 10 Commissioner's Report

Item 11 County Manager's Report

Item 12 **Closed Session:**

1. According to GS 143-318.11 (3) to consult with attorney in order to preserve the attorney-client privilege and (4) to discuss matters relating to the location or expansion of industries or other businesses

Adjourn

Public Comment

Please limit comments to items not appearing on the regular agenda, please limit comments to 3 minutes.

Denise Fallon, Currituck High School, thanked the Board for their support of Project Graduation.

Commissioner Martin asked for volunteers for Project Graduation.

Dick Palette, American Legion Post 531, wanted to introduce himself to the Board and that this is a new post in Moyock.

Commissioner O'Neal, commented on the new flood insurance rules and directed staff to send a letter opposing.

There being no further comments, Chairman Aydlett closed the public comment period.

Recognition, Currituck Chapter of Ducks Unlimited

Chris Hooper was present to receive the plaque recognizing the Currituck Chapter of Ducks Unlimited.

**RESOLUTION
RECOGNIZING DUCKS UNLIMITED**

WHEREAS, Ducks Unlimited is the world's leader in wetlands and waterfowl conservation; and

WHEREAS, Ducks Unlimited got its start in 1937 during the Dust Bowl when North America's drought-plagued waterfowl populations had plunged to unprecedented lows; and

WHEREAS, determined not to sit idly by as the continent's waterfowl dwindled beyond recovery, a small group of sportsmen joined together to form an organization that became known as Ducks Unlimited; and

WHEREAS, one of these sportsmen, Joseph Palmer Knapp, a resident and businessman of New York, spent part of every year at his home on Mackay Island in Currituck County; and

WHEREAS, Mr. Knapp founded "More Game Birds in America Foundation," which later became Ducks Unlimited; and

WHEREAS, Ducks Unlimited conserves, restores, and manages wetlands and associated habitats for North America's waterfowl; and

WHEREAS, the vision of Ducks Unlimited is wetlands sufficient to fill the skies with waterfowl today, tomorrow and forever; and

WHEREAS, the local Currituck Chapter of Ducks Unlimited is ranked in the top 100 out of 3,600 chapters in the United States.

NOW, THEREFORE, BE IT RESOLVED, the Currituck County Board of Commissioners recognizes the Currituck Chapter of Ducks Unlimited for its support of the conservation of North America's waterfowl; and

BE IT FURTHER RESOLVED, on behalf of the residents and visitors to Currituck County, that the Board of Commissioners expresses its appreciation to the Currituck Chapter of Ducks Unlimited for its dedication to the preservation of Currituck County's waterfowl habitats.

Public Hearing and Action: PB 10-31 Currituck County: Request to amend the Unified Development Ordinance, Chapter 2, Section 2.7 and Chapter 11, Section 11.5 to address land disturbance permitting requirements for existing lots and reduce minimum widths for lots in the R01 zoning district.

Ben Woody, Planning Director, reviewed the amendment.

At present, land disturbance permits are required for all lots graded higher than the highest adjacent grades on adjoining properties. After several years of permitting and assessing, Currituck Soil and Water determined lots with existing side lot line swales generally do not have a negative drainage impact on adjacent properties.

The Unified Development Ordinance was amended on April 21, 2003 and required all lots within major subdivisions after that date to install side property line swales. The proposed amendment will allow lots that received sketch plan approval after April 21, 2003 and have existing lot line swales to be exempt from Land Disturbance Permits. The lot line swales will capture the runoff from the higher lot before draining to the adjacent property.

This request also addresses provisions in which the county engineer will approve additional coverage (up to 15%) for lots in subdivisions that have a state permitted and functional stormwater management system, or individual lots that install an engineered stormwater management system. The requirements of the stormwater management system are also clarified in the proposed amendment.

Another component of the request includes a reduction in the minimum lot width for lots created in the R01 zoning district. This request will decrease the current lot width standard of 125 feet to 100 feet. Existing lot widths in the R01 zoning district, not including lots located within planned unit developments, vary from 100 feet to greater than 200 feet.

It appears the request is consistent with the Land Use Plan and staff supports the text amendment as submitted.

The Planning Board recommended unanimous **approval** at their February 8, 2011 meeting.

PLANNING BOARD DISCUSSION (2-8-11)

Mr. Doxey stated that the Land Disturbance Permit (LDP) was a Unified Development Ordinance (UDO) requirement since 2004. In the original UDO it did not specify what was needed for a stormwater management plan. Mr. Doxey stated this text amendment will spell out the requirements which will make it easier for the engineer/applicant as well as for staff.

Mr. West stated that a 4 inch rainfall is being proposed but should it be a 10 year, 24 hour storm with six inches.

Mr. Doxey stated that a 4 inch rainfall is sufficient since the lots are small on the Outer Banks. Mr. Doxey stated that new subdivisions platted since 2004, currently do not require a LDP because the lots have a pre-determine elevation set, base flood or a 10 year storm in place.

Ms. Wilson stated that since the sand roads in the R02 district are not addressed in this text amendment will it be addressed in the future.

Mr. Doxey stated it is not typically an issue with the elevation.

Ms. Wilson stated that when people remove vegetation from the lot then adjoining property owners have an issue with stormwater runoff.

Mr. Woody stated that in the proposed text amendment under 6.12.2, (B) the word "pavement" will be changed to "street grade".

Mr. Doxey stated the stormwater section in the current UDO will be completely rewritten with the rewrite of the UDO and this will be addressed.

ACTION

Mr. Clark moved to approve PB 10-31 due to its consistency with the 2006 Land Use Plan and that the request is reasonable and in the public interest and promotes orderly

growth and development. Ms. Taylor seconded the motion. Motion carried unanimously.

**Currituck County
PB 10-31
UDO AMENDMENT REQUEST**

An amendment to the Unified Development Ordinance Chapter 2, Section 2.7 Dimensional Requirements, Chapter 6, Section 6.12 Stormwater Management Systems for Individual Lots, and Chapter 11, Section 11.5. Land Disturbance Permits to clarify requirements for the land disturbance permits and include additional requirements for the stormwater management plans associated with land disturbance permits and requests submitted to the county engineer for increased lot coverage. In addition, an amendment to Chapter 2, Section 2.7 Dimensional Requirements to reduce the minimum lot width for lots in the R01 zoning district.

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

Item 1: That Section 2.7 is amended by adding the following underlined language and deleting the following strikethrough language:

Zone	Individual Lots & Minor Subdivisions		Conventional Subdivisions		Conservation Subdivisions		Other		Max. Lot Coverage Percentage ⁽⁹⁾			Floor Area Ratio ⁽¹⁰⁾	Minimum Setbacks ⁽⁷⁾			Max. Height
	Lot Size ⁽¹⁾	Lot Width ⁽²⁾	Lot Size ⁽³⁾	Lot Width ⁽⁸⁾	Lot Size ⁽⁴⁾	Lot Width	Lot Size	Lot Width	<10,000 sf	19,000 - 19,000	>19,000 sf		Front	Side	Rear	
R01	20,000	<u>125</u> <u>100</u>	20,000 ⁽⁶⁾	125 <u>10</u>	20,000	100	40,000	<u>125</u> <u>100</u>	45	35	30	-	20	15	25	35

(9) The total lot coverage may be increased by up to 15 percent if: (i) ~~50 percent of the maximum allowable lot coverage is in Turfstone or equivalent porosity as determined by the county engineer; or, (ii) the development subdivision is served by a state permitted an approved and functional stormwater management plan system as provided in this ordinance as determined by the county engineer; or, (ii) the individual lot is served by an engineered stormwater system as provided in this ordinance.~~ The approval of additional lot coverage shall not exceed the state permit or a 15% increase, whichever is less. See Chapter 6 for additional submittal requirements.

Item 2: That Chapter 6 is amended by adding Section 6.12 and the following underlined language:

Section 6.12 Stormwater Management System for Individual Lots

6.12.1 General Provisions

- A. The provisions of this section shall apply to individual lot development that exceeds the maximum allowed lot coverage as provided in Chapter 2 of this ordinance.
- B. The county engineer may authorize up to 15 percent increase in the maximum allowed lot coverage percentage for lots in subdivisions that have a state permitted and functional stormwater management system, or for an individual lot that installs an engineered stormwater management system. A request to exceed the maximum allowed lot coverage percentage shall be submitted to the county engineer and include the following:
 1. A valid North Carolina State Stormwater Permit for the development that specifies allowable lot coverage. Approval of additional lot coverage shall not exceed the state permit or 15 percent increase, whichever is less; or,
 2. A stormwater management system to serve the individual lot, prepared by a North Carolina licensed professional engineer, licensed surveyor, or landscape architect.

6.12.2 Standards for Stormwater Management System on Individual Lots

The stormwater management system to serve the individual lot shall include architectural and engineering drawings, maps, assumptions, calculations and narrative statements as needed to adequately describe the proposed development of the property and the measures proposed to comply with the county ordinance and the below requirements:

- A. Existing elevations sufficient to determine the drainage patterns on-site and on adjoining site (i.e. contours in one foot intervals).
- B. Locations and elevations of the adjoining street pavement, shoulder ditches, drainage systems, upstream and downstream driveway culverts.
- C. Approximate depth of seasonal high water table.
- D. Stormwater detention to capture a four inch rainfall event from the built-upon area within the drainage area. The drainage area for the purpose of the detention sizing shall include all built-upon area on the subject lot and any runoff received from built-upon areas within 30 feet of the subject property line.

Item 3: That Section 11.5 is amended by adding the following underlined language, deleting the following strikethrough language:

Section 11.5 Land Disturbance Permits

- A. A land disturbance permit, ~~excluding residential lots in a PUD~~, shall be required for filling and/or grading a lot above adjacent grades. This permit shall be issued by the county engineer or his/her designee. The following shall be exempt from this section:
1. Residential lots in planned unit developments.
 2. Lots that received sketch plan approval after April 21, 2003 that have existing lot line swales.
- B. The land disturbance permit application shall be filed with the county engineer or his designee prior to any site work being done. ~~Five~~ Two copies of the ~~land disturbance permit plan~~ stormwater management plan shall be filed with the permit application.
- C. ~~All land disturbance permit plans~~ A stormwater management plan shall be prepared by a North Carolina licensed Professional Engineer (PE), licensed surveyor, or landscape architect, and contain architectural and engineering drawings, maps, assumptions, calculations, and narrative statements as needed to adequately describe the proposed development of the property and the measures proposed to comply with the county ordinance. ~~The land disturbance plan~~ stormwater management plan shall include, but not be limited to:
1. Adjacent property grades;
 2. Approximate depth of seasonal high water table;
 3. Existing elevations sufficient to determine the drainage patterns on site and on adjoining sites (i.e. contours in one foot intervals);
 4. Locations and elevations of the adjoining street pavement, shoulders, ditches, drainage systems, upstream and downstream driveway culverts;
 5. Proposed elevations of the top of bank and toe of slope and limits for fill necessary to construct the dwelling, including driveway access, shall be delineated;
 6. Detention shall be provided to capture a four inch rainfall event from the built-upon area within the drainage area. Drainage area for the purpose of the detention sizing shall include all built-upon area on the subject lot and any runoff received from built-

upon areas within 30 feet of the subject property line. All runoff from built-upon area must be directed into the stormwater management system;

- 7. Proposed methods for stabilizing and maintaining stormwater management improvements;
- 8. Proposed stormwater management improvements;
- 9. Location of proposed improvements including septic systems;
- 10. An Operation and Maintenance Plan approved by the county and maintained by the property owner. Operation and maintenance of all areas shall include sediment removal, mowing and revegetation, immediate repair of erosion, debris removal, and unclogging of any structures.
- 11. Certification of Stormwater Mangement:
On the site plan entitled _____,
stormwater drainage improvements shall be installed according to these plans and specifications and approved by Currituck County. Currituck County assumes no responsibility for the design, maintenance or the guaranteed performance of the stormwater drainage improvements.

Registered Land Surveyor/Civil Engineer _____ Date _____

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.

Eric Weatherly, Engineer, reviewed the stormwater requirement plan for lots.

Mike Doxey, SCS, reviewed the fill permit and the 4 inch rainfall requirement.

Chairman Aydlett, opened the public hearing.

Commissioner O'Neal questioned Mr. Doxey if he could use his discretion if plan needed an engineer.

There being no further comments, Chairman Aydlett closed the public hearing.

Commissioner O'Neal moved to approve as presented giving Mr. Doxey discretion to override requirement and to change to fill permit instead of land disturbing permit. Commissioner Etheridge seconded the motion. Motion carried.

Public Hearing and Action: PB 10-26 Currituck County Sign Ordinance: Request to amend the Unified Development Ordinance, Chapter 7 Signs and Chapter 17 Definitions of the UDO to reflect changes proposed by the staff and the Sign Ordinance Evaluation Committee.

Ben Woody, Planning Director, reviewed the request.

In the spring of 2010, the planning staff was directed by the Board of Commissioners to assemble a committee of citizens and business owners to review and recommend changes to the Mainland and Outer Banks sign ordinances. The committee was comprised of county staff, Planning Board and Economic Development Advisory Board members, citizens, and business representatives. As a group, the committee met three times. A smaller group of Outer Banks representatives met an additional three times. The draft ordinance was presented at the January Board of Commissioners retreat and February 7 work session. The enclosed text amendment reflects the comments received at those meetings.

In this final draft, substantive changes to dimensional requirements or policies are indicated with **bold-underlined** and ~~strikethrough~~ text. The proposed ordinance also relies on tables to reduce the overall amount of text. The process of combining the ordinances for the Mainland and Outer Banks makes it difficult to highlight administrative or minor changes; however, the intent of the attached document is to capture significant modifications.

Should you have any additional questions, please contact Tammy Glave at (252) 232-6025.

PLANNING BOARD DISCUSSION (11-9-10)

Section 7.1 Purpose:

No change.

Section 7.2 General Provisions:

Mr. Woody stated when the ordinance refers to the Outer Banks, it is just Corolla. Carova, Knotts Island, Gibbs Woods and the Mainland are grouped together.

Mr. Woody stated ordinance changes apply to new signage but flags or temporary signage could apply retroactively.

The Planning Board discussed illuminated signs being turned off during non-operating hours vs. leaving them on once the business has closed. Ms. Smith stated that in the committee meetings the business owners wanted to be allowed to keep

signs on so when travelers come through they are able to see where the business is located.

Mr. Woody stated the Code Enforcement Officer will determine if a sign is in violation of peeling or flaking paint, broken panels, missing letters, defective illumination, torn fabric, or other damage to a sign or sign structure.

The Planning Board recommended the following changes.

C. Illumination

2. A sign shall not be erected that contains, ***excluding LED signs...***

3. All illuminated signs shall be turned off during non-operating hours to decrease unneeded lighting with the exception of those used for safety or security purposes. ***Back to sign committee.***

E. Design, Construction, Maintenance

1. All signs shall be adequately secured, ***including portable signs...***

2. Peeling or flaking paint, broken panels, missing letters, defective illumination, torn fabric, and other damage to a sign or sign structure shall be replaced or repaired ***upon written notification from the Administrator.***

Section 7.3 Exempt Signs

No change.

Section 7.4 Prohibited Signs

No changes to Mainland.

L. Outer Banks Overlay District Additional Requirements

5. Portable signs (mobile marquees) prohibited.

Section 7.5 Signs Allowed without a Zoning Permit

Mr. Kovacs asked if each business in a strip mall is allowed 5 flags.

Mr. Woody stated the entire lot is allowed 5 flags.

The Planning Board discussed political sign size in comparison to the size of the road and signs obstructing view in Corolla.

Ms. Taylor talked about signage on parked trucks.

Mr. Woody stated staff will look into why home occupation signage shall only be located along US 158, NC 168, NC 34, or NC 615.

Table 7.5.1

Flags - 5 ***per lot*** - one flag per pole.

Table 7.5.2

Political - Max. Area (sq. ft.) **6** and Max. Height (ft.) **3**

Staff will look into Shopping Center, Directional maximum number up to a total of 32 sq. ft. **(Make sure it is clear.)**

Section 7.6 On-Premise Signs Allowed with a Zoning Permit

Mr. Woody stated that staff has tried to be more consistent with what other counties have in place and use benchmarks for freestanding sign size and height.

Mr. Kovacs asked if you have wall signage not to exceed 20 percent of wall surface, should you have a maximum.

Mr. Woody stated staff will look at maximum for wall signage.

The Planning Board discussed doing away with portable signs (mobile marquees) in favor of permanent signage.

Mr. Wright thanked staff for a good job and that the ordinance was put together very well.

ACTION

Mr. Kovacs move to approve PB 10-26 as presented and with Planning Board recommendations. Mr. Clark seconded the motion. Motion carried unanimously.

**Currituck County
PB 10-26
UDO AMENDMENT REQUEST**

An amendment to Chapter 4 Overlay District, Chapter 7 Signs, and Chapter 17 Definitions of the UDO to reflect changes proposed by the Sign Ordinance Evaluation Committee.

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 4 is amended by deleting Section 4.7.4.

Item 2: That Chapter 7 is amended by adding the bold underline text and deleting the strike through text as follows:

Section 7.1 Purpose

The purpose of this ~~section~~ chapter is to support and complement the various land uses allowed in Currituck County by the adoption of policies and regulations concerning the placement of signs in order to: ~~The erection of signs is controlled and regulated in order to promote the healthy, safety, welfare, convenience, and enjoyment of travel on roadways, as well as protect the public investment in such roadways. The provisions of this section are also intended to promote the reasonable, orderly, and effective display of such signs, displays, and devices.~~

- A. Promote the general health, safety, and welfare of the community;
- B. Protect the public investment in roadways, as well as individual property values;
- C. Minimize visual distractions to motorists by promoting the reasonable, orderly, and effective display of signs;
- D. Preserve the environment from excessive and obtrusive signs in support of the Currituck resort and tourism industry; and,
- E. Enhance the image, appearance, and economic vitality of the community.

Section 7.2 General Provisions

The following general provisions shall apply to all signs:

- A. No sign may be constructed, erected, moved, enlarged, illuminated, or substantially altered except in accordance with the provisions of this ordinance.

B. Measurements

- 1. Sign area shall be determined by drawing the smallest rectangular or square geometric form to encompass the extreme limits of the writing, representation, emblem, color, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. Sign area shall not include any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the UDO regulations and is clearly incidental to the display itself.
- 2. A two-sided or multi-sided sign shall be regarded as one sign (calculate square feet of one face only) so long as:
 - a. With respect to V-type signs, the angle between the faces does not exceed 45 degrees ~~the two sides are at no point separated by a distance that exceeds 15 feet;~~ and,
 - b. With respect to double faced (back to back) signs, the signs are structurally attached and the distance between the backs of each face of the sign does not exceed three feet.

C. Illumination

- 1. ~~Lights shall not shine into the street right of way or adjoining properties. If necessary, lights can be shielded by shrubs or decorative features of the sign.~~

illuminated signs shall be designed, installed, and maintained in a manner that avoids glare or reflection on adjoining properties and does not interfere with traffic safety.

2. A sign shall not be erected that contains, employs, or utilizes lights or lighting which rotates, flashes, moves, or alternates.
3. ~~All illuminated signs shall be turned off during non-operating hours to decrease unneeded lighting with the exception of those used for safety or security purposes.~~
3. Outer Banks Overlay Commercial Districts Additional Requirements
 - a. All signs, if illuminated, shall be illuminated externally, with the exception of neon open signs.
 - b. Sign lighting shall not exceed 15 foot candles at any location on the property and shall not exceed 1.5 foot-candles measured at ground level.

D. Clearing of Vegetation

No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located:

1. Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the North Carolina Department of Transportation;
2. On property that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located; and /or,
3. In any area where such trees or shrubs are required to remain under a permit issued under this ordinance.

E. Design, Construction, Maintenance

1. All signs shall be adequately secured to meet all applicable building code standards and shall be maintained in good structural condition.
2. Peeling or flaking paint, broken panels, missing letters, defective illumination, torn fabric, and other damage to a sign or sign structure shall be replaced or repaired.
3. A sign that includes a reference to a closed establishment shall remove the reference to the closed

establishment within 30 days. The sign shall be altered in such a way as to not detract from the overall appearance of the sign. Exposed lighting, such as occurs with the removal of a transparent panel, is not acceptable under any circumstance.

4. Flags shall be attached to a singular pole or building and shall have no other means of support (i.e. be free-flying). Flags that are shredded, torn, tattered, or frayed must be replaced or removed within 15 calendar days of receiving written notification upon written notification from the administrator.

F. Professional Appearance

All signs shall present a professional appearance by being designed and constructed using material, lettering, and graphic standards commonly used in the sign industry. Hand crafted and lettered signs are not prohibited in their entirety, but are subject to removal if in the opinion of the administrator the sign does not meet the spirit of this ordinance.

G. Indemnification

All persons involved in the maintenance, installation, alteration, or relocation of any sign shall agree to hold harmless and indemnify the County of Currituck, its officers, agents, and employees against any and all claims of negligence resulting from such work.

H. Removal by Administrator

Signs unlawfully placed in any street right-of-way or on any public property, including signs affixed to street and traffic signs or public utility poles, may be removed by the administrator without notice. Each sign so removed will be held for 10 days and retrieval of each sign will incur a fee as prescribed in the adopted fee schedule. Removal and disposal of illegally placed signs shall not preclude the prosecution of any person for illegally placing the signs.

Section 7.3 Exempt Signs

The following signs are exempt from the requirements of this chapter:

- A. Signs and legal notices erected by or on behalf of, or pursuant to, the authorization of a governmental body, including but not limited to, legal notices traffic, directional, or regulatory signs.
- B. Informational signs that identify public property, ~~or~~ convey public information, or display other identification not having a commercial message.
- C. Signs designed to directing and guiding vehicular and pedestrian traffic ~~and parking~~ on private property, but bearing no advertising matter.

- D. ~~Traffic, directional or regulatory signs~~ Religious or civic symbols for noncommercial purposes, including lights and decorations temporarily displayed on holidays.
- E. Official signs of a non-commercial nature erected by public utilities.
- F. Residential flags or flags, pennants, and insignia of any governmental or non-profit organization when not displayed in connection with a commercial promotion or as an advertising device.
- G. Trademarks or product names which are displayed as part of vending machines, dispensing machines, automatic teller machines, and gasoline pumps.
- H. Vendor signs located at convenience stores. Such signs shall not be attached on public utility poles or traffic signs.
- I. Integral decorative or architectural features of buildings, except letters, trademarks, moving parts, or moving lights.

Section 7.4 Prohibited Signs

The following signs are expressly prohibited:

- A. Off-premise advertising signs (billboards), including digital billboards.
- B. Signs located within the sight distance triangle or public right-of-way.
- C. Signs attached to the structure of a lawfully permitted sign without a permit except as otherwise provided by this ordinance.
- D. Signs attached to any traffic sign, utility pole, or tree except as otherwise provided by this ordinance.
- E. A sign that by its location, color, illumination, size, shape, nature, or message would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.
- F. Signs that emit a sound, odor, or visible matter such as smoke or vapor.
- G. Signs that exhibit statements, suggestive words, or pictures of an obscene or pornographic nature.
- H. Banners, inflatable signs or balloons, flags (except those exempted by this ordinance), pennants, streamers,

propellers, whirligigs, umbrellas with logos or commercial messages, and animated display boards.

- I. Signs or portions of signs designed to move by any means or give the appearance of movement in any manner except for suspended signs intended for pedestrians and flags as described in this ordinance.
- J. Roof signs.
- K. Vehicle signs on vehicles or trailers that are not currently licensed and registered by the Department of Motor Vehicles.
- L. Outer Banks Overlay District Additional Requirements
 - 1. Signs located on any land subject to periodic inundation by tidal saltwater.
 - 2. Signs with reflective lettering except those exempted by this ordinance.
 - 3. Any sign abandoned for more than six months and dilapidated signs where the cost to renovate or repair the sign is 50 percent or more of the sign replacement cost.
 - 4. Internally illuminated signs or signs which contain a visible light source except as otherwise provided by this ordinance.
 - 5. Portable signs (mobile marquees).
 - 6. Electronically controlled message signs.

Section 7.5 Signs Allowed without a Zoning Permit

The signs listed in Tables 7.5.1 and 7.5.2 are allowed without issuance of a zoning permit provided the requirements of this chapter are met.

- A. Signs allowed by this section shall have a minimum setback of 10 feet from side property lines ~~except as otherwise provided.~~
- B. Signs allowed by this section shall not be illuminated except as otherwise provided.
- C. Sign height shall be determined by measuring from natural grade.

**Table 7.5.1 Signs Allowed WITHOUT a Zoning Permit
Excluding Outer Banks Overlay District**

Sign Type	Max. Number	Max. Area (sq. ft.)	Max Height (ft.)
Community Identification ¹	2 <u>per</u> entrance	60	15

Sign Type	Max. Number	Max. Area (sq. ft.)	Max Height (ft.)
Contractor ²	1 per lot	32	10
Church Directional	1 per street or intersection	8	8
Flags	One flag per 40' of street frontage, 5/lot One flag per pole.	One square foot for every two linear foot of road frontage. 3620 each	20
Home Occupation	1	6	6
Mass Gathering³ Special Event	10	32	10
Political ⁴	n/a	32	10
Real Estate, Commercial	1 per lot	32	10
Real Estate, Residential Lot	1 per lot	8	4
Real Estate, Subdivision	500' apart	75	10
Roadside Market ⁵	n/a	32	n/a
Window (<u>including neon signs</u>)	n/a	25% of glass pane	n/a

1. May be externally illuminated and located within a private right-of-way, but not within the sight distance triangle.
2. Shall be removed upon issuance of the Certificate of Occupancy or completion of work.
3. Shall not be erected earlier than 30 days before the event and must be removed no later than 10 days after the event and must be in conjunction with a valid Mass Gathering permit. The signs may be on-premise or off-premise.
4. Shall be erected no more than 60 days prior to ~~and must be removed within 10 days following each separate election date.~~
5. May not be erected more than 30 days before the seasonal opening of such enterprise and shall be removed no later than 30 days after the enterprise closes for the season.

**Table 7.5.2 Signs Allowed WITHOUT a Zoning Permit
Outer Banks Overlay District**

Sign Type	Max. Number	Max. Area (sq. ft.)	Max Height (ft.)
Agent On Duty	1 per lot	6-8	3-4
Community Identification ¹	1 per entrance	48	6
Contractor ²	1 per lot	6	3
Cottage Name	1 per lot/unit	12	n/a
<u>Cottage For Rent</u>	<u>1 per lot/unit</u>	<u>2</u>	<u>n/a</u>
Church Directional	1 per street or intersection	2-8	6-8
Flag, Open ³	1	24-15	Eave of roof
Flags, Open House ⁴	3	24	10 for flags at entrance
<u>Flags, Subdivision</u>	<u>1 pole per major entrance</u>	<u>24 per flag</u>	<u>35</u>

Sign Type	Max. Number	Max. Area (sq. ft.)	Max Height (ft.)
	<u>with up to 3 flags per pole</u>		
Heritage Park Community Event¹²	3	32	6
Home Occupation	1	6	6
Landscape Contractor	1 per lot	2	2
Local Event ⁵	6	6	4
<u>Mass Gathering⁶ Special Event</u>	<u>3</u>	<u>32</u>	<u>6</u>
Open House	1	6-8	3-4
Open House Directional¹³	n/a	6	4
Political⁷	n/a	32	10
For Sale or Lease, Subdivision or Commercial Lot Real Estate, Commercial or Subdivision¹⁴	1	32	6
For Sale, Individual Residential Lot Real Estate, Residential Lot⁸	1 per lot	6-8	3-4
Roadside Market⁹	n/a	32	n/a
Shopping Center, Directional	Up to a total of 32 sq. ft.	32	6
Security	1 per lot	2	2
Tent/Sandwich¹⁰	1 per business unit	10-8	4
Window (including neon signs)	n/a	25% of glass pane	n/a

1. May be externally illuminated and located within a private right-of-way, but not within the sight distance triangle.
2. Shall be removed upon issuance of the Certificate of Occupancy or completion of work.
3. Shall be anchored to wall, porch post, or railing of subject business. Shall be removed at the close of each business day.
4. Two at entrance to subdivision and one attached to open house.
5. Up to a maximum of 4 off-premise and 2 on-premise. May be erected up to 72 hours before event and shall be removed within 48 hours after event. Signs shall display no commercial messages or logos.
6. Shall not be erected earlier than ~~30~~ 7 days before the event and must be removed no later than 48 hours after the event and must be in conjunction with a valid Mass Gathering permit.
7. ~~Shall be erected no more than 60 days prior to and must be removed within 10 days following each separate election date.~~
8. One additional on-premise sign shall be allowed for an open house and one open house directional sign shall be allowed at the subdivision entrance and each intersection
9. May not be erected more than 30 days before the seasonal opening of such enterprise and shall be removed no later than 30 days after the enterprise closes for the season.
10. ~~The sign may be displayed only from October 1st thru May 15th.~~ The sign may be displayed one day before the store is open for business, and does not have to be removed daily if the store remains open on consecutive days. If the store is closed for three or more consecutive days the sign

must be removed until the store is again open. Sign height shall be determined by measuring from natural grade.

- ~~11. May be erected up to 7 days prior to event and shall be removed within 48 hours after event. Signs shall display no commercial messages or logos.~~
- ~~12. One at entrance to subdivision and one at each intersection.~~
- ~~13. One permitted per new subdivision, new shopping center, or vacant commercial lot excluding vacant commercial units and out parcels. Limited to three years from permit issuance and sign must be installed parallel to NC 12.~~

Section 7.6 On-Premise Signs Allowed with a Zoning Permit

The signs listed in Tables 7.6.1 and 7.6.2 are allowed on lots containing at least one approved non-residential use upon issuance of a zoning permit provided the requirements of this chapter are met.

- A. All signs allowed by this section shall have a minimum setback of 10 feet from side property lines ~~except as otherwise provided~~. Signs exceeding 10 feet in height shall have a minimum 10 foot setback from a public or private right-of-way ~~except as otherwise provided~~.
- B. Sign height shall be determined by measuring from natural grade.
- ~~C. Portable signs displayed longer than 30 days become freestanding signs and must be anchored according to the Building Code and meet all requirements of this ordinance.~~
- D. No more than 50 percent of the area of a sign can be a message board, reader board, or electronically controlled message sign. The message must remain stationary for a minimum of five seconds, except for time and temperature. Electronically controlled message signs are prohibited in the Outer Banks Overlay District.

Table 7.6.1 On-Premise Signs Allowed WITH a Zoning Permit Excluding Outer Banks Overlay District

Sign Type	Max. Number	Max. Area (sq. ft.)	Max Height (ft.)
Freestanding, Individual Lot	1 per street frontage. ^{1, 2}	250 <u>128</u> square feet ³	25 <u>20'</u> above road bed but in no case greater than 30' <u>25'</u>
Shopping Center, Freestanding	1 per street frontage. ¹	<u># of Businesses</u>	<u>25'</u> above road bed but in no case greater than <u>30'</u>
		<u>4-10 = 200 square feet</u>	
		<u>>10 = 160 300 square feet</u>	
Shopping Center, Outparcel	1 per lot	100 <u>64</u> square feet	<u>10'</u>
Wall	n/a	<u>20 percent of wall surface to which sign is attached, not to exceed 400 square feet.</u>	n/a

Sign Type	Max. Number	Max. Area (sq. ft.)	Max Height (ft.)
		<ul style="list-style-type: none"> 30% of wall area not to exceed 200 sf max. for each building less than 5,000 sf of gross floor area. 400 sf max. for each building between 5,000 square feet and 9,999 square feet of gross floor area. 600 sf max. for each building greater than 10,000 square feet of gross floor area. 	

1. One additional sign shall be permitted for frontages that exceed 500 feet. The signs shall be spaced a minimum of 250 feet apart or at approved access points.
- A total of two temporary signs are permitted per property. The total maximum size of one sign or two signs combined cannot exceed 40 square feet. If the property contains more than one street front, one additional temporary sign is permitted not to exceed 40 square feet.
3. For frontages that exceed 160 feet an additional 32 square feet of signage shall be permitted.

Table 7.6.2 On-Premise Signs Allowed WITH a Zoning Permit

Outer Banks Overlay District

Sign Type ¹	Max. Number	Max. Area (sq. ft.)	Max Height (ft.)
Freestanding, Individual Lot	1 per street frontage ²	48	6 8
Shopping Center, Freestanding	1 per street frontage ²	48 128 ³	6 12
Shopping Center, Out Parcel	1 per lot	32	<u>6</u>
Wall	<u>n/a</u>	32 ⁴	<u>Eave of Roof</u>

1. Monopole signs are prohibited.
2. One additional sign shall be permitted for frontages that exceed 500 feet. The signs shall be spaced a minimum of 250 feet apart or at approved access points.
3. Freestanding signage for a secondary road frontage shall not exceed 24 square feet in area and 8 feet in height.
4. The maximum square footage is an allowance per wall of a business or business unit. Businesses with 5,000 square feet or greater of gross floor area may have wall signage up to 54 square feet in area per wall.

E. Landscaping Requirements

This section shall apply to all shopping center signage and freestanding signage except as otherwise provided:

1. Install landscape border a minimum of five feet in depth and a minimum width equal to the greatest width of the sign.
2. Landscape border shall contain an average of one shrub per three linear feet of border perimeter with an appropriate combination of ground cover such as vegetation and mulch.
3. No portion of the sign shall project beyond the landscape border.

Item 3: That Chapter 17 is amended as follows:

Awning/Canopy: A plastic, canvas, or metal porch or shade supported by a frame and often foldable that is placed over a storefront, doorway or window

Commercial: Any activity involving the sale of goods or services carried out for profit.

Convenience Store: A retail store that is a part of a gas station.

Mass Gathering: A performance or special event which is expected to draw 100 or more participants and spectators.

Public Institution: an organization that is the responsibility of a governmental unit or over which a governmental unit exercises administrative control and that is supported primarily by public funds.

Shopping Center: A development consisting of four or more establishments that share signage, pedestrian circulation, vehicle access, and parking facilities on a tract of land at least four acres in area. A group of commercial establishments planned, developed and/or managed as a unit with off street parking provided on the property that is located on a tract of land at least four acres in area.

Shopping Center, Out Parcel: A lot located on the perimeter of a shopping center lot that is subordinate to the shopping center lot for access, parking, and drainage.

Sign:

Any device that is sufficiently visible to persons not located on the lot where such device is located ~~to accomplish either of the objectives set forth in subdivision two part b. of this definition;~~ and is designed to attract the attention of such persons or to communicate information to them.

Site-triangle Sight Distance Triangle

A triangular-shaped portion of land established at street and driveway intersections in which nothing is erected or placed in such a manner as to limit or obstruct the line of sight of motorists entering or leaving an intersection or business. A sight distance triangle of 10 feet by 35 feet is required where vehicular areas intersect with street rights-of-way and 10 feet by 70 feet at street intersections. Nothing over 24 inches or less than 7 inches in height shall be located within this area.

Sign, Awning/Canopy: Any message printed on an awning or canopy.

Sign, Community Identification: A sign located at the entrance of a subdivision or multi-family development.

Sign, Contractor: A temporary sign erected on the premises on which construction is taking place, during the period of such construction, indicating the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors, and similar individuals or firms having a role or interest with respect to the structure or project.

Sign, Cottage For Rent: A sign placed on a residentially zoned dwelling that is in a rental program offered by a rental company or private owner.

Sign, Cottage Name: A sign placed on a dwelling displaying the name of the house or cottage.

Sign, Digital Billboard: Billboards that can electronically change their images or text.

Sign, Directional: An off-premise sign that displays the name and direction to an institutional use, religious use, or historic property.

Sign, Externally Illuminated: A sign where the source of illumination is outside the sign and light is reflected off the surface of the sign from an external source.

Sign, Freestanding: A sign that is attached to, erected on, or supported by some structure (such as pole, mast, frame or other structure) that is not itself an integral part of a building or other structure whose principle function is something other than the support of a sign. ~~A sign that stands without supporting elements, such as "sandwich sign", is also a freestanding sign. If the message is removed from a structure that was originally designed and used as a sign, this structure shall still be considered a sign.~~

Sign, Governmental: A sign erected and maintained pursuant to and in discharge of any governmental functions or

required by law, ordinance, or other governmental regulation.

Sign, Inflatable: Any display capable of being expanded by air or other gas and used on a permanent or temporary basis to advertise a product or event.

Sign, Informational: Any on-premise sign containing no other message, copy, announcement, or decoration other than instructions or directions to the public. Such signs include but are not limited to the following: handicapped parking, loading area, restrooms, property address, building identification, and other noncommercial courtesy messages.

Sign, Internally Illuminated: A sign, including neon signs, where the source of illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source.

Sign, Local Event: A sign that identifies a local event such as a library book sale, art exhibit, or other noncommercial event expected to attract less than 100 participants and spectators.

Sign, Monument: A sign which is supported by and integrated with a solid base, as opposed to poles, posts, or other such supports. The entire bottom of the sign is affixed to the ground.

Sign, Off Premise Direction Sign

~~A sign authorized by the Board of Commissioners in the Outer Banks Overlay District in Corolla Village, businesses located within 1200' of Caratoke Highway, and businesses located along the Atlantic Intracoastal Waterway (Coinjock Canal) that displays the name of the business only and the direction in which it is located. The off premises directional sign is similar in size and style to street name signs.~~

Sign, Political: A temporary sign announcing or supporting political candidates or issues in connection with any national, state, or local election.

Sign, Portable (Mobile Marquee): A temporary freestanding, on-premise sign which is not designed to be permanently affixed to a base or ground.

Sign, Railing: Any sign attached to a railing.

Sign, Real Estate: A sign indicating that a property is available for sale, lease, or rent.

Sign, Roadside Market: A temporary sign advertising: 1) a farm or tract upon which are grown fruits or vegetables that may be picked or gathered by the purchaser; 2) an approved roadside market selling fruits or vegetables; or 3) produce,

seafood, or related agricultural products offered for sale at an approved roadside market.

Sign, Roof: A sign that is mounted on the roof of a building between the roof eave and roof peak.

Sign, Suspended: A sign suspended or hanging down from a marquee, awning, or porch.

Sign, Vehicle: Any sign attached to or painted on a vehicle, motorized or drawn, parked and visible from a public right-of-way intended to advertise a product or service.

Sign, Vendor: An incidental sign advertising the sale of goods or rendering of services available at a commercial establishment on the same lot as the establishment.

Sign, Wall: A sign fastened to or painted on the wall, canopy, or awning of a building or structure in such a manner that the wall, canopy, or awning becomes the supporting structure for or forms the background surface of the sign. A sign fastened to a wall shall not project more than 12 inches from such building or structure. A canopy or awning sign may project more than 12 inches from such building or structure.

Sign, Window: Any sign attached to the window glass of a commercial building.

Special Events

~~Circuses, fairs, carnivals, festivals, or other types of special events that:~~

- ~~a. run for longer than one day but not longer than two weeks,~~
- ~~b. are intended to or likely to attract substantial crowds; and,~~
- ~~c. are unlike the customary or usual activities generally associated with the property where the special event is to be located.~~

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: The date reference in Table 7.5.2 for Tent/Sandwich signs (*The sign may be displayed only from October 1st thru May 15th.*) shall be restored on the 1st day of October 2011.

Chairman Aydlett reviewed the rules for comments on this public hearing.

Alicia McDonnell, Corolla, stated that this request does not reflect the recommendations the committee has worked on for two years and opposes the amendment.

Marsha Bruce, questioned why speakers cannot yield their time to Alicia McDonnell.

Eddie Jo Powell, Shawboro, questioned why the business signs were being cut in half.

Bob White, Corolla, expressed concerns with roof top signs and requested Board to adopt the committee recommended rules.

Bob Shultz, Corolla, requested to leave the ordinance as is.

Guy Sides, Corolla, requested Board to leave signs that have been recommended by the committee and honor the process.

Gary Smith, Currituck Chamber, supports the proposed ordinance.

Eric Avery, stated that BD&A needs signage for their business and supports the ordinance along with use of flags.

There being no further comments, Chairman Aydlett closed the public hearing.

Commissioner O'Neal moved to continue until staff has clarified business vs. road frontage question. Commissioner Etheridge seconded the motion. Motion carried with Commissioner Rorer voting no.

Discussion and Consideration of amendment to Article 4, Section 12-62(4) parking restrictions, Currituck Code of Ordinances, to authorize parking west end of Herring Street.

Ike McRee, County Attorney, reviewed the ordinance.

Commissioner Etheridge moved to approve. Commissioner O'Neal seconded the motion. Motion carried.

AN ORDINANCE OF THE CURRITUCK COUNTY BOARD OF COMMISSIONERS AMENDING ARTICLE IV, CHAPTER 12 OF THE CURRITUCK COUNTY CODE OF ORDINANCES REGARDING PARKING UPON THE ROAD OR SHOULDER OF HERRING STREET

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-139 the governing body of a county may, by ordinance, regulate the stopping, standing, or parking of vehicles in a privately owned public vehicular area; and

WHEREAS, Currituck County is the owner of the land upon which that street or road known as Herring Street is located.

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 12-62(4) to read as follows:

(4) No person shall park a vehicle or permit it to stand, whether attended or unattended, upon the following roads or shoulders of the roads located within the Whalehead Club Subdivision: Dolphin Street, Marlin Street, Sailfish Street, Coral Street, Bonita Street, Mackerel Street, Perch Street, Tuna Street, Sturgin Street, Barracuda Street, and that portion of Herring Street east of Corolla Drive, unless the vehicle is disabled to such an extent that it is impossible to avoid stopping and temporarily leaving a vehicle upon the paved or main traveled portion or shoulders of the streets named in this subsection

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

PART III. This ordinance is effective upon adoption.

Discussion on Ocean Hill I Property Owners, proposed legislation to withdraw streets from public dedication

Ike McRee, County Attorney, reviewed the legislation.

Commissioner Martin moved to endorse legislation.
Commissioner Etheridge seconded the motion. Motion carried.

A BILL TO BE ENTITLED

AN ACT AUTHORIZING PROPERTY OWNERS ASSOCIATIONS THAT OWN STREETS THAT ARE LOCATED OUTSIDE INCORPORATED MUNICIPALITIES AND THAT HAVE NOT BEEN ACCEPTED FOR MAINTENANCE BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION FOR A PERIOD OF THIRTY YEARS TO FILE, WITH THE APPROVAL OF THE COUNTY COMMISSIONERS, A DECLARATION WITHDRAWING THE DEDICATION TO PUBLIC USE OF SUCH STREETS

The General Assembly of North Carolina enacts:

SECTION 1. Article 7 of Chapter 136 of the General Statutes is amended by adding a new § 136-96.2 to read:

§ 136-96.2. Withdrawal from dedication to public use of streets owned by a property owners association but not accepted for maintenance by the North Carolina Department of Transportation for a period of at least thirty years.

(a) Subject to subsection (b), when all of the circumstances set forth in this subsection exist, a property owners association that owns subdivision streets or segments of streets that meet the criteria as described below may file in the office of the register of deeds where the streets are located a declaration withdrawing any purported dedication to public use or offer of dedication to public use of such streets and declaring such streets to be private.

(1) The subdivision within which the streets exist is located entirely outside the corporate limits of any municipality and bounded on the east by the Atlantic Ocean;

(2) The subdivision was created by a plat recorded at least thirty years prior to the recording of the declaration of withdrawal;

(3) The recorded plat of the subdivision bears a certificate signed by a county representative purporting to accept on behalf of the county the dedication of the streets shown on the plat;

(4) At least two thirds of the total length of all the streets shown on the plat have been paved, opened and used for vehicular traffic for a period of at least twenty-five years prior to the recording of the declaration of withdrawal;

(5) The subdivision streets have only one means of ingress and egress intersecting with a NC State Highway;

(6) The streets have never been maintained by the county and the county claims no ownership interest in the streets;

(7) The North Carolina Department of Transportation has never maintained the streets or accepted them for maintenance and claims no ownership interest in the streets;

(8) The developer of the subdivision or the successor to the developer has deeded the streets to an incorporated property owners association and therefore such property owners association is the record owner of the streets;

(9) The streets within the subdivision are being maintained and insured by the property owners association that represents all property owners.

(10) The declaration of withdrawal has been approved by a two-thirds vote of all members of the property owners association present in person or by proxy at a special meeting of all such members duly called for that purpose.

(b) A declaration described under subsection (a) of this section may not be recorded unless it bears the signature of the clerk to the board of commissioners of the county where the streets covered in the declaration are located, attesting to the adoption by the board of commissioners of a resolution approving such declaration. The board of commissioners may adopt such a resolution only upon a finding that each of the circumstances listed in

subsection (a) exists. In approving such a resolution, the board of commissioners may provide that:

(1) The withdrawal of dedication shall not apply to (i) streets or segments of streets where withdrawal of dedication would terminate all reasonable legal means of access to any property, or (ii) streets or segments of streets that are necessary to connect a public street located outside the subject subdivision with another public street located outside the subject subdivision.

(2) No gate or other obstruction may be placed across any street or segments of streets unless such gate or obstruction is approved by the board of commissioners upon a finding by the board that other methods of preventing unauthorized parking or preserving public safety on such streets or segments of streets have proved inadequate.

(3) The clerk to the board of commissioners shall sign the declaration of withdrawal only upon completion of the improvements to the covered streets in accordance with a plan for such improvements submitted by the property owners association that complies with any published street standards required by the county on the date that the subdivision plat was recorded as certified by the county engineer.

(c) The effect of the recording of a declaration authorized by this section is that the streets described in such declaration shall be deemed to be the private property of the property owners association that owns such streets, and any offer of dedication of such streets that may have been created by the recording of the plat creating the subdivision shall be conclusively presumed to be withdrawn. However, the right, title or interest vested in the property owners association remains subject to (i) public pedestrian access on, over and upon the road or easement as existed immediately before its closing and (ii) any public utility use or facility located on, over, or under the road or easement immediately before its closing, until the landowner or any successor thereto pays to the utility involved, and the utility accepts, the reasonable cost of removing and relocating the facility.

SECTION 2. This act is effective when it becomes law.

Appointment to Board of Adjustment

Commissioner Etheridge moved to table. Commissioner Rorer seconded the motion. Motion carried.

Consent Agenda:

1. Resolution opposing tolls for Knotts Island Ferry
2. Approval of March 7, 2011, Minutes
3. Budget Amendments
4. Request DOT to lower speed limit on Poplar Branch Road.

**RESOLUTION
OPPOSING ELIMINATION OF THE KNOTTS ISLAND FERRY ROUTE
OR TOLLS FOR KNOTTS ISLAND-CURRITUCK FERRY**

WHEREAS, the Knotts Island-Currituck Ferry service has been provided free of charge for all travelers for almost 50 years, linking the Knotts Island community to the Currituck County mainland; and,

WHEREAS, the Knotts Island-Currituck Ferry service was primarily established to ease the transportation burden for school children, resident workers and businesses to mitigate an over 2 hour drive via NC 615 through the Virginia communities of Chesapeake and Virginia Beach back to the Currituck County mainland; and,

WHEREAS, Knotts Island-Currituck Ferry service provides a necessary and critical level of service to maintain efficient transportation flow to all North Carolina and Currituck County residents and visitors; and,

WHEREAS, the establishment of any toll, let alone at the alarming rate of \$10 one-way, would irreparably harm not only the residents of Knotts Island, but also greatly strain the budgets of Currituck County government and Schools, while simultaneously stifling the access and quality of life all Currituck County residents and visitors enjoy; and,

WHEREAS, the Board of Commissioners questions whether the State of North Carolina statutes, specifically § 136-89.197, allows for the establishment of a toll on the Knotts Island-Currituck Ferry, as a comparable facility under the full control of the NC Department of Transportation is not available since the State of Virginia controls portions of this comparable facility; and,

WHEREAS, further, the Board of Commissioners questions whether the State of North Carolina statutes, specifically § 136-89.197, allows for the establishment of a toll on the Knotts Island-Currituck Ferry, as any discussion of tolling must first be established, vetted and approved at the Regional Planning Organization (RPO).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS FOR CURRITUCK COUNTY, NORTH CAROLINA, THAT:

Currituck County strongly opposes consideration of any toll for the Knotts Island-Currituck Ferry system as injurious to the general well-being of our residents, businesses and visitors, and notes the severe fiscal consequences for the budgets of Currituck County government and Currituck County Schools; and

BE IT FURTHER RESOLVED that the Currituck County Board of Commissioners vehemently opposes the elimination of the Knotts Island-Currituck Ferry route as such action would devastatingly affect the quality of life of our Knotts Island residents, especially the school children, businesses and visitors who depend on it daily.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
12546-516006	Repairs & Maintenance		\$ 5,000
12546-516106	Buildings & Grounds Personal Protective Equipment	\$ 15,000	
12546-536106	Insurance	\$ 1,500	
12546-554006	Capital Outlay		\$ 5,000
12546-590006			\$ 6,500
		\$ 16,500	\$ 16,500

Explanation: *Corolla Volunteer Fire Department (12546) - Transfer budgeted funds per request of Corolla Volunteer Fire Department.*

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

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10794-545005	JCPC		\$ 1,020
10794-545000	PASS		\$ 3,896
10794-545001	Teen Court	\$ 122	
10794-545002	Restitution		\$ 500
10390-499900	Fund Balance Appropriated	\$ 5,294	
		\$ 5,416	\$ 5,416

Explanation: *Juvenile Crime Prevention Control (10794) - To reduce appropriations to reflect State funding.*

Net Budget Effect: Operating Fund (10) - Decreased by \$5,294.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		Decrease Revenue or Increase Expense	Increase Revenue or Decrease Expense
10461-514500	Training & Education	\$ 11	
60808-533200	Lab Tests - Water	\$ 247	
10461-526000	Advertising		\$ 11
60808-561000	Professional Services		\$ 247
61818-514500	Training & Education	\$ 300	
61818-516000	Repairs & Maintenance		\$ 300
62828-533200	Lab Tests	\$ 1,000	
62828-561000	Professional Services		\$ 1,000
65858-545100	Credit Card Fees	\$ 150	
65858-533800	Chemicals		\$ 150
		\$ 1,708	\$ 1,708

Explanation: *Public Utilities (10461); Ocean Sands Water & Sewer (60808); Mainland Water (61818); Newtown Road Sewer (62828); Moyock Commons Sewer (65858) - Operating transfers for the remainder of this fiscal year.*

Net Budget Effect: Operating Fund (10) - No change
 Ocean Sands Water & Sewer Fund (60) - No change
 Mainland Water Fund (61)- No change
 Newtown Road Sewer Fund (62) - No change
 Moyock Commons Sewer Fund (65) - No change

Commissioner's Report

Commissioner Gilbert, commented on a traffic concern at Ranchland.

Commissioner Petrey, stated that the Corolla Wild Horse Fund raised \$9,000 at the fund raiser held over the weekend.

Commissioner Rorer, commented on the Northeast Workforce Development Board meeting.

Chairman Aydlett, stated that they would be meeting with our legislative representatives regarding the Knotts Island Ferry.

Commissioner O'Neal directed staff to send a resolution opposing the closure of Oregon Inlet. Chairman Aydlett seconded the motion. Motion carried.

Commissioner Etheridge stated that he took offense at comments that Corolla was not important to the Commissioners.

Commissioner Martin stated that he attended the NACo legislative conference in Washington, D.C. and brought information back on disaster recovery.

County Manager's Report

Dan Scanlon, County Manager, stated that they were having a workshop on April 5 & 6 on disaster recovery.

Closed Session:

5. According to GS 143-318.11 (3) to consult with attorney in order to preserve the attorney-client privilege and (4) to discuss matters relating to the location or expansion of industries or other businesses

Commissioner Rorer moved to go into closed session as stated. Commissioner Petrey seconded the motion. Motion carried.

Adjourn

After reconvening from the closed session Commissioner Gilbert moved to purchase assets of the Pine Island Water Treatment Plant in the amount of \$2 million and authorize the County Manager to sign purchase agreement. Commissioner Petrey seconded the motion. Motion carried.

There being no further business, the meeting adjourned.



■ N.C. Gen. Stat. §143-64.31 requires the initial selection of firms to perform architectural, engineering, and surveying services without regard to price; and

■ Currituck County proposes to enter into a contract for engineering services related to the design, permitting and construction of a county wastewater treatment plant facility in Moyock; and

■ Currituck County has identified qualified, reputable and capable engineering firms interested in providing engineering services for the Moyock Wastewater Project and the Board of Commissioners for Currituck County finds that negotiation with the identified engineering firms is necessary and expedient for the timely completion of the Moyock Wastewater Project.

■ by the Board of Commissioners for Currituck County, North Carolina that:

Section 1. The Moyock Wastewater Project is hereby exempt from the provisions of N.C. Gen. Stat. §143-64.31 for the reasons stated in this resolution.

Section 2. This resolution is effective upon adoption.

ADOPTED the 4th day of April, 2011.

O. Vance Aydlett, Jr.
Chairman

ATTEST:

Clerk to the Board of Commissioners

(COUNTY SEAL)

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of April, 2011 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10450-516000	Repairs & Maintenance		\$ 475
10450-516200	Vehicle Maintenance	\$ 475	
		<u>\$ 475</u>	<u>\$ 475</u>

Explanation: Tax (10450) - Transfer funds to repair appraiser's vehicle.

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

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of April, 2011 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10530-503500	Salaries - Temporary Services	\$ 6,100	
10530-514000	Travel		\$ 200
10530-514500	Training & Education		\$ 6,100
10530-531000	Gas, Oil, etc	\$ 10,000	
10530-526000	Advertising		\$ 500
10530-545000	Contract Services		\$ 3,300
10530-536000	Uniforms		\$ 6,000
		<u>\$ 16,100</u>	<u>\$ 16,100</u>

Explanation: *Emergency Medical Services (10530)* - Transfer operating funds for additional temporary services and fuel for the remainder of this fiscal year.

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

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of April, 2011 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
61818-533800	Chemicals	\$ 8,650	
61818-545000	Contract Services	\$ 1,500	
61818-532000	Supplies		\$ 8,650
61818-590003	Fire Hydrants		\$ 1,500
		<u>\$ 10,150</u>	<u>\$ 10,150</u>

Explanation: *Mainland Water (61818) - Operating transfer for Mainland Water to purchase additional chemicals and for additional required Consumer Confidence reporting.*

Net Budget Effect: Mainland Water Fund (61) - No change.

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of April, 2011 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
60808-590000	Capital Outlay	\$ 14,000	
60808-516000	Repairs & Maintenance		\$ 2,000
60808-561000	Professional Services		\$ 12,000
66868-590000	Capital Outlay	\$ 7,000	
66868-516000	Repairs & Maintenance		\$ 2,000
66868-590441	Technology > \$1,000		\$ 5,000
		<u>\$ 21,000</u>	<u>\$ 21,000</u>

Explanation: *Ocean Sands Water and Sewer District (60808); Southern Outer Banks Water System (66868) - Transfer existing funds to capital outlay in the Ocean Sands Water and Sewer District and in the Southern Outer Banks Water System to replace the scada system that controls both water and wastewater systems. The current system crashed and is obsolete; therefore, complete replacement is required.*

Net Budget Effect: Ocean Sands Water and Sewer Fund (60) - No change.
Southern Outer Banks Water System Fund (66) - No change.

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of April, 2011 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	<u>Debit</u>	<u>Credit</u>
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
21690-587012	T T - Fires Services Fund	\$ 2,163	
21390-499900	Appropriated Fund Balance		\$ 2,163
22690-587012	T T - Fires Services Fund	\$ 6,243	
22390-499900	Appropriated Fund Balance		\$ 6,243
24690-587012	T T - Fires Services Fund	\$ 1,930	
24390-499900	Appropriated Fund Balance		\$ 1,930
12541-588000	Contingency	\$ 10,336	
12390-495021	T F - Poplar Branch Fire District		\$ 2,163
12390-495022	T F - Fruitville Fire District		\$ 6,243
12390-495024	T F - Crawford Fire District		1,930
		<u>\$ 20,672</u>	<u>\$ 20,672</u>

Explanation: *Poplar Branch Fire District (21690); Fruitville Fire District (22690); Crawford Fire District (24690) - To transfer residual funds in the above fire districts to the Fire Services fund and to close the fire district funds.*

Net Budget Effect: Fire Services Fund (12) - Increased by \$10,336.
 Poplar Branch Fire District Fund (21) - Increased by \$2,163.
 Fruitville Fire District Fund (22) - Increased by \$6,243.
 Crawford Fire District Fund (24) - Increased by \$1,930.

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Clerk to the Board

BUDGET AMENDMENT

The Currituck County Board of Commissioners, at a meeting on the 4th day of April, 2011 , passed the following amendment to the budget resolution for the fiscal year ending June 30, 2011.

<u>Account Number</u>	<u>Account Description</u>	Debit	Credit
		<u>Decrease Revenue or Increase Expense</u>	<u>Increase Revenue or Decrease Expense</u>
10460-532000	Supplies	\$ 1,500	
10460-516000	Maintenanc & Repair		\$ 1,500
63838-545900	Tire Disposal	\$ 6,600	
63838-571500	Recycling		\$ 6,600
		<u>\$ 8,100</u>	<u>\$ 8,100</u>

Explanation: *Public Works (10460); Solid Waste (63838)* - To transfer funds for supplies and tire disposal for the remainder of this fiscal year.

Net Budget Effect: Operating Fund (10) - No change.
Solid Waste Fund (63) - No change.

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Clerk to the Board

**Division of Mental Health, Developmental Disabilities & Substance Abuse Services
Quarterly Fiscal Monitoring Report**

Area Program: East Carolina Behavioral Health
 for the period ending: December 31, 2010
 # of month in the fiscal year: 6
 (July = 1, August = 2, . . . , June = 12)

1. REPORT OF BUDGET VS. ACTUAL

ITEM	Basis of Accounting:		(1)		(2)		(3)		(4)		(5)		(6)	
	Cash	Accrual	PRIOR YEAR		CURRENT YEAR		CURRENT YEAR		CURRENT YEAR		CURRENT YEAR		CURRENT YEAR	
	X		2009-2010	2009-2010	BUDGET	ACTUAL	ACTUAL	BALANCE	ACTUAL	BALANCE	ACTUAL	BALANCE	ACTUAL	BALANCE
REVENUE														
Client Fees														
Medicaid - "Regular Fee-for-Service"			7,000,000	7,100,192	9,000,000	3,545,296	5,454,704							78.78%
Medicaid - CAP/MRDD			600,000	552,513	800,000	283,008	516,992							70.75%
Medicare			-	-	-	-	-							
Insurance			-	190	-	680	(680)							#DIV/0!
Other Local			359,600	209,116	250,122	173,023	77,099							138.35%
Appropriation of Fund Balance *			1,000,000	-	-	-	-							
Total Local Funds			8,959,600	7,862,011	10,050,122	4,002,007	6,048,115							79.64%
County Appropriations (by county):														
Beaufort County			173,599	130,199	173,599	86,800	86,799							100.00%
Bertie County			49,390	49,390	49,390	22,295	27,095							90.28%
Camden County					13,976	11,196	2,780							160.22%
Chowan County					3,000	994	2,006							66.27%
Craven County			272,629	274,073	274,827	135,849	138,978							98.86%
Currituck County					60,300	29,169	31,131							96.75%
Dare County					70,000	18,065	51,935							51.61%
Gates County			39,434	37,817	39,434	1,129	38,305							5.73%
Hertford County			84,390	85,011	84,250	41,875	42,375							99.41%
Hyde County					12,700	562	12,138							8.85%
Jones County			31,268	28,787	23,597	10,949	12,648							92.80%
Martin County					51,842		51,842							0.00%
Northampton County			81,614	83,614	81,614	38,807	42,807							95.10%
Pamlico County			39,194	34,889	33,593	16,473	17,120							98.07%
Pasquotank County					57,000	29,000	28,000							101.75%
Perquimans County					15,465	7,670	7,795							99.19%
Pitt County			747,050	751,090	608,000	278,446	329,554							91.59%
Tyrrell County					10,006	4,953	5,053							99.00%
Washington County					16,000	8,000	8,000							100.00%
Total County Funds			1,518,568	1,474,870	1,678,593	742,232	936,361							88.44%
Service Management Funds			5,635,408	4,820,102	7,550,143	2,406,116	5,144,027							63.74%
Service Delivery Funds			23,903,368	24,169,494	39,874,868	16,348,313	23,526,555							82.00%
All Other State/Federal Funds			2,703,795	2,212,917	1,017,053	597,545	419,508							117.51%
Total State and Federal Funds			32,242,571	31,202,513	48,442,064	19,351,974	29,090,090							
TOTAL REVENUE			42,720,739	40,539,394	60,170,779	24,096,213	36,074,566							80.09%
EXPENDITURES:														
Service Management			6,042,508	5,458,349	7,911,986	3,907,386	4,004,600							98.77%
Directly Provided Services														
Provider Payments			35,492,949	34,722,063	50,408,479	16,629,466	33,779,013							65.98%
All Other			1,185,282	799,127	1,850,314	892,640	957,674							96.49%
TOTAL EXPENDITURES			42,720,739	40,979,539	60,170,779	21,429,492	38,741,287							71.23%
CHANGE IN CASH BALANCE				(440,145)		2,666,721								
Beginning Unrestricted Fund Balance						12,856,786								
Current Estimated Unrestricted Fund Balance and percent of budgeted expenditures			21.40%	9,140,358	20.98%	12,623,506								

* "Appropriation of Fund Balance" represents the Area Program Fund Balance that has been incorporated as part of the Approved Budget. Actual Yr-To-Date should reflect Fund Balance utilized to date and an explanation needs to be provided for the specific uses of fund.
 ** annualized Revenue percentage less than 90% and Expenditure percentages greater than 110% must be explained on the attachment and submitted with the Fiscal Monitoring Report

2. CURRENT CASH POSITION:	(1)	(2)	(3)	(4)	(5)	Receivables net of Allowance for Uncollectible Receivables
	30 DAYS	60 DAYS	90 DAYS	OVER 90 DAYS	TOTAL	
Accounts Payable (Accrual Method)	1,447,390	-			\$ 1,447,390	
Account Receivable (Accrual Method)	1,817,823	-			\$ 1,817,823	\$ 1,817,823
Current Cash in Bank	24,149,758					

3. SERVICE EXCEPTIONS: (Provided Based on System Capability)

Services authorized but not billed

* We certify (a) this report to contain accurate and complete information, (b) explanations are provided for any expenditure item with an annualized expenditure rate greater then 1 and for any revenue item with an annualized receipt rate of less than 90%, and (c) a copy of this report has been provided to each county manager in the catchment area".

Area Director _____ date _____ Area Finance Officer _____ date _____ Area Board Chair _____ date _____
 CC: County Manager for each county within the catchment area.

**Division of Mental Health, Developmental Disabilities & Substance Abuse Services
 Quarterly Fiscal Monitoring Report - Explanation of Revenue and Expenditure Variances**

enter LME name East Carolina Behavioral Health Local Management Entity
 for the period ending: December 31, 2010

ITEM

Explanation

Revenues

Medicaid	Pass thru monies. Providers must not be billing as expected. Based on prior yr.
Medicaid CAP	Pass thru monies. Providers must not be billing as expected. Based on prior yr.
Chowan County	Only ABC Bottle Tax Funds received. No county general monies received to date.
Dare County	Revenues received are only 18065.00 of 70,000.00 allocated.
Gates County	Only ABC Bottle Tax Funds received. No county general monies received to date.
Hyde County	Only ABC Bottle Tax Funds received. No county general monies received to date.
Martin County	No monies received yet.
Service Management Funds	Only received LME funding for July thru October 2010 at this time
Service Delivery Funds	Providers have billed less than anticipated thus far this year.

Expenditures

none to explain

Columns 1 and 2 (Prior year info) are amounts from ECBH's audit only.

**RESOLUTION OPPOSING THE HOUSE BILL DRH60052-SB-13
“DESIGNATION OF COASTAL GAME FISH”**

WHEREAS , the Fisheries Reform Act (FRA) recognizes that commercial fishermen perform an essential function by providing wholesome food for the citizens of the State while struggling to earn a living in an industry whose resources are managed by both the State and Federal agencies and whose labor accounts for revenue, jobs and is significant to the tax base; and

WHEREAS, designating “Game Fish Status” for Red Drum, Striped Bass, Spotted Sea Trout and other fish species will deprive consumers in North Carolina and the nation of access to fresh, locally harvested seafood; and

WHEREAS, allocating 100% of the resources to less than 3% of the population of our state and to specific user groups would be a travesty of fairness, a violation of the Fisheries Reform Act, and devastating to the economies of coastal communities; and

WHEREAS, designating a resource to “Game Fish Status Only” has never enhanced the resource, and will threaten coastal communities with the loss of jobs and access for all citizens; and

WHEREAS, North Carolina, as a recognized leading producer of seafood, has one of the most diverse fisheries in the United States and should be allowed to continue harvesting wild caught fish species in order to bring to market a wonderfully fresh, sustainably managed, revenue producing, proven resource for all its citizens;

NOW, THEREFORE BE IT RESOLVED that the Currituck County Board of Commissioners strongly oppose imposing “Game Fish Status” by the legislature, and ask that they honor the Fisheries Reform Act by continuing to make all fish species available for the benefit and enjoyment of all North Carolina citizens.

Adopted this the 4th day of April, 2011

ATTEST:

Gwen H. Keene, CMC
Clerk to the Board

O. Vance Aydlett, Jr.
Chairman