



**BOARD OF COMMISSIONERS
AGENDA**

JULY 16, 2012

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Currituck County Board of Commissioners Agenda

Historic Currituck County Courthouse

Date: Monday, July 16, 2012

Time: 7:00 PM

7:00 pm Call to Order

- A) Invocation
- B) Pledge of Allegiance
- C) Approval of Agenda
- D) Public Comment

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

Public Hearings

- A) **Public Hearing and Action:** PB 12-13 Crabbies Restaurant: Request to amend the new Unified Development Ordinance Chapter 5: Development Standards and Chapter 10: Definitions and Measurement to allow off-premise directional signs for properties located adjacent to the Atlantic Intracoastal Waterway.
- B) **Public Hearing and Action:** PB 12-05 Currituck County: Request a text amendment to correct and clarify language in the following chapters of the new Unified Development Ordinance: Chapter 2: Administration, Chapter 4: Use Standards, Chapter 5: Development Standards, Chapter 6: Subdivision and Infrastructure Standards, Chapter 8: Nonconformities, Chapter 10: Definitions and Measurements.

New Business

- A) **Board Appointments:**
 - 1. Appointment to East Albemarle Regional Library (EARL)
- B) **Consent Agenda:**
 - 1. Grant Project ordinance for 2011 CDBG Scattered Site Housing Grant
 - 2. Charge Levy on Motor Vehicles for March Renewals to Tax Collector

3. Resolution authorizing signatures for CDBG funding requisitions
 4. Approval of July 2, 2012 Minutes
- C) Commissioner's Report
D) County Manager's Report

Closed Session

Pursuant to N.C. Gen. Stat. §143-318.11(a)(3) to consult with the county attorney in order to preserve the attorney-client privilege and to receive advice from the county attorney regarding a potential claim against the county and for the following pending lawsuits: Minnick v. Currituck County et al.; Etheridge v. Currituck County et al.; R.F. London, Inc. v. Currituck County et al. and Freidman et al. v. Currituck County et al.

Adjourn



Currituck County

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

To: Board of Commissioners
From: Planning Staff
Date: June 18, 2012
Subject: PB 12-13 Off-Premise Directional Signage Text Amendment

The enclosed text amendment, submitted by Terry Miles of Crabbies Restaurant, proposes to allow off-premise directional signage for businesses located adjacent to the Atlantic Intracoastal Waterway. This request is being reviewed as an amendment to the new Unified Development Ordinance (UDO).

Crabbies Restaurant has an existing 54 square foot off-premise directional sign located at the intersection of Worth Guard Road and US 158. This sign was permitted under a previous sign ordinance and is nonconforming under current zoning requirements. Mr. Miles has expressed an interest in replacing the existing sign with a larger, more visible sign. Staff advised Mr. Miles that replacement of the nonconforming sign within existing dimensions is allowable; however, an increase in total square footage requires an amendment to the sign ordinance.

The amendment submitted by Mr. Miles requests a maximum size of 100 square feet, which is an increase of 46 square feet over the existing Crabbies sign. During the drafting process staff encouraged Mr. Miles to narrow the scope of the amendment by proposing authorization by the Board of Commissioners and that the business site be located adjacent to the Atlantic Intracoastal Waterway (similar standards were included in a previous sign ordinance, although the allowable square footage was significantly less).

While staff is sympathetic to the difficult economic times that exist for businesses, increasing the dimensions and frequency of off-premise directional signage is not consistent with the policy objectives of the 2006 Land Use Plan (Policies CA1, CA4, CA5). Policy CA5 states: "...that an attractive, less commercialized landscape, particularly along heavily traveled land and water routes, is essential to the tourist-based economy of the area. The placement of additional billboards and off-site advertising signs shall not be permitted in Currituck County."

The amendment proposed by Mr. Miles is narrow in scope, but due to the policy direction included in the Land Use Plan, staff cannot support a text amendment that creates a precedent for increasing off-premise signage.

As a visual representation, staff has enclosed photographs that illustrate the existing Crabbies off-premise directional sign in relation to the proposed size increase.

The Planning Board recommended approval of PB 12-13 as presented.

PLANNING BOARD DISCUSSION (6/12/12)

Mr. Miles stated NCDOT has put up a large message board sign which makes it hard to see his present sign. Mr. Miles stated the economy is destroying the restaurant business and he is trying to survive. A larger sign will be more visible for people to see since his restaurant is tucked away. Mr. Miles stated he brought this piece of land from the state which the sign is on; and paid \$2,500 for this piece of grass. Mr. Miles stated if the county wants some more tax dollars from him, then they can help by getting more business to him with a larger sign, so he can send some more tax money to the county. Mr. Miles stated he is trying to do it legally and there are so many illegal signs up and down the corridor.

Ms. Newbern asked Mr. Miles if he has tried to get a billboard.

Mr. Miles stated one is not available coming in his direction; and if one was available, he could not afford one.

Mr. Clark asked staff if there are illegal signs on the corridor.

Mr. Woody stated it is a daily challenge and staff does enforce the ordinance.

ACTION

Mr. Cooper moved to approve PB 12-13 as presented. Ms. Wilson seconded the motion. Ayes: Mr. Bell, Mr. Cartwright, Mr. Cooper, Ms. Newbern, Ms. Wilson, Ms. Everhart and Mr. Clark. Nays: Mr. Wright.

Currituck County
PB 12-13
UDO AMENDMENT REQUEST

Amendment to the Unified Development Ordinance Chapter 5: Development Standards and Chapter 10: Definitions and Measurement to allow off-premise directional signs for properties located adjacent to the Atlantic Intracoastal Waterway.

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 Table 5.12.4 Signs Exempted from Sign Permit Requirements is amended by adding the following underlined language and deleting the following strikethrough language:

5.12.4. Signs Exempted from Sign Permit Requirements

The signs in Table 5.12.4, Signs Exempted from Sign Permits, are exempt from the requirements to obtain sign permit approval, but are subject to the standards in Section 5.12.7, Maintenance Standards, and the standards in this sub-section.

TABLE 5.12.4: SIGNS EXEMPTED FROM SIGN PERMITS

SIGN TYPE	EXAMPLE	APPLICABLE STANDARDS	MAXIMUM SIGN AREA (SQ. FT)	MAXIMUM HEIGHT (FEET)
Directional Sign, Off-Premise		<u>Up to one off-premise directional sign authorized by the Board of Commissioners may be placed on property under the same ownership as a business site located adjacent to the Atlantic Intracoastal Waterway.</u>	<u>100</u>	<u>12</u>
Institutional or Historic Property Directional Sign, Institutional or Historic Property		Up to one off-premise directional sign (arrow type) may be placed at an intersection pointing toward the institutional or historic site. These signs may not be internally illuminated.	8	8

Item 2: That Section 10.5: Definitions is amended by adding the following underlined language and deleting the following strikethrough language:

SIGN, DIRECTIONAL

An on-premise sign that includes information assisting in the flow of pedestrian or vehicular traffic ~~An off-premise sign that displays the name of a business, or other location or activity and the direction in which it is location (e.g., religious institution or open house).~~

SIGN, OFF PREMISE DIRECTIONAL SIGN

An off-premise sign that displays the name of a business, institution, or other location or activity and the direction in which it is located ~~A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained or proved at a location other than the premises where the sign is 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: This ordinance amendment shall be in effect from and after the _____ day of _____, 2012.

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: _____





Currituck County

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

To: Board of Commissioners
From: Planning Staff
Date: June 18, 2012
Subject: PB 12-05 Currituck County Text Amendment

The enclosed text amendment submitted by the Currituck County Planning and Community Development Department is intended to clarify and revise miscellaneous sections of the new Unified Development Ordinance (UDO). The proposed revisions were suggested by the public, Planning Board, and staff, and have been discussed with the Planning Board or Board of Commissioners at previous meetings. The revisions correct and clarify the identified sections in the new UDO as it relates to:

1. Allowing duplexes in the SFM district on lots over 20,000 square feet with a zoning compliance permit, and requiring duplexes to be reviewed as a minor site plan.
2. Deleting "global climate change" from sustainability incentives purpose statement.
3. Allowing a reduction of required subdivision water access for subdivision with a small amount of linear water frontage.
4. Requiring recreational equipment storage only for subdivisions of 20 or more lots with an average lot size less than 20,000 square feet.
5. Requiring the reserve fund dedicated for maintenance for subdivisions to be based on a percentage of construction cost and not a fixed dollar amount.
6. Requiring that development of existing camper subdivision meet CAMA setbacks or exemption.
7. Exempting CAMA-designated wetlands from density calculations.
8. Requiring new lots be established on a public or private right-of-way unless accessed through common area (e.g. multi-family and shopping center developments).
9. Clarifying uses requiring a use permit.
10. Requiring Sandwich/Tent signs be displayed only from October 1st thru May 15th.
11. Adding a definition for dwelling unit.
12. Clarifying mail notice requirements.
13. Requiring connection fees to the county water system to be paid at building permit issuance.
14. Clarifying development included in lot coverage calculations.
15. Requiring appeal applications to be completed within the appeal window specified in the UDO.
16. Clarifying required permits for accessory uses and requiring incidental child care to be consistent with State regulations.
17. Allowing structures in a Special Flood Hazard Zone to be elevated above the height limit.
18. Requiring, when practicable, Board of Adjustment members to first be appointed as alternates until such time a regular seat opens.

The Planning Board recommended *approval* of PB 12-05 as presented #1-18 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.

PLANNING BOARD DISCUSSION (6/12/12)

Mr. Woody provided an overview of PB 12-05, #1 through #18. Staff was directed by the Planning Board to bring example language for:

- Fencing standards for the off-road area;
- Accessory use standards for ponds less than one acre in size; and
- Zoning district description for the Single-Family Residential (SFR) and Village Center (VC) districts.

ACTION

Ms. Newbern moved to approve PB 12-05 as presented #1-18 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. Everhart seconded the motion. Motion carried unanimously.

Currituck County
PB 12-05
UDO AMENDMENT REQUEST

Amendments to the Unified Development Ordinance Chapter 2: Administration, Chapter 4: Use Standards, Chapter 5: Development Standards, Chapter 6: Subdivision and Infrastructure Standards, Chapter 8: Nonconformities, and Chapter 10: Definitions and Measurements.

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

Item 1: That Chapter 2: Administration and Chapter 4: Use Standards are amended by adding the following underlined language:

Section 2.3.7.C Site Plans Distinguished

(2) Minor Site Plans

The following development shall be reviewed as a minor site plan:

- (a)** New single-family detached dwellings, including individual manufactured homes and duplexes;

Section 4.1.2 Use Table

USE CATEGORY	USE TYPE	ZONING DISTRICT (CURRENT DISTRICT IN PARENTHESIS) [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]															ADDITIONAL REQ. (4.2.____)	
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M		PD-O
RESIDENTIAL USE CLASSIFICATION																		
Household Living	Dwelling, duplex			Z/U				Z			Z	Z			MP	MP	MP	2.A.1

Section 4.2.2.A Household Living

(1) Dwellings, Duplex

Duplex dwellings shall comply with the following standards:

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

Item 2: That Chapter 5: Development Standards is amended by deleting the following strikethrough language:

5.13.1 Purpose and Intent

In an effort to encourage sustainable development practices as a means of ~~addressing global climate change~~, the protection of natural resources, and ensuring a high quality of life for future county residents, the UDO provides the following sustainable development practice incentives are provided.

Item 3: That Chapter 6: Subdivision and Infrastructure Standards is amended by adding the following underlined language:

Section 6.1.3.D Water Access

- (2) Subdivisions of 20 or more lots or dwelling units abutting public trust or estuarine waters shall provide an area at least 20,000 square feet in area and at least 100 feet in width that provides visual and physical access to the water for landowners in the subdivision. If required water access area occupies more than 50 percent of the subdivision's linear water frontage length, then it may be reduced to at least 10,000 square feet in area and at least 50 feet in width.

Item 4: That Chapter 6: Subdivision and Infrastructure Standards is amended by adding the following underlined language and deleting the following strikethrough language:

Section 6.1.3.E Recreational Equipment Storage

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

Item 5: That Chapter 6: Subdivision and Infrastructure Standards is amended by deleting the following strikethrough language:

Section 6.1.4.F Transfer of Maintenance Responsibility

- (3) Maintenance responsibility is not transferred from the subdivider to the association until all of the following occur:
 - (e) A reserve fund dedicated to the continued maintenance and upkeep of common areas, common features, and private infrastructure is established with a banking institution acceptable to the county in the name of the association, that contains a minimum balance equal to 10 percent of the construction costs of all common areas, common features, and private infrastructure, ~~or \$10,000.00, whichever is greater.~~ In the event the association has not collected sufficient assessment funds from the lot owners in the subdivision to meet the minimum balance

requirements of the reserve fund, the subdivider shall be responsible for the difference needed to meet the minimum balance requirements.

Item 6: That Chapter 8: Nonconformities is amended by adding the following underlined language:

Section 8.2.6.C Existing Camper Subdivisions

- (2) Single-family detached dwellings, Class A and Class B manufactured homes, and campers are permitted uses within camper subdivisions existing on January 1, 2013, provided they meet the following dimensional standards:
 - (e) For lands abutting an estuarine shoreline, the required CAMA setback or exemption shall control; and

Item 7: That Chapter 10: Definitions and Measurement is amended by adding the following underlined language:

Section 10.3.5.A Definitions/Measurement

- (2) **Density, Residential**

The maximum number of residential dwelling units permitted per acre of land area. Density is determined by dividing the number of dwelling units by the total amount of land area within a particular lot or tract. For the purpose of determining maximum gross density, CAMA-designated wetlands shall not be included in calculating the total amount of land area.

Item 8: That Chapter 10: Definitions and Measurement is amended by adding the following underlined language:

Section 10.3.3.B General Lot Requirements

- (6) **Lot Access**
 - (a) No lot shall be established which does not abut a public or private right-of-way as permitted in these regulations unless the parent parcel has been planned for development in which the resulting lots are provided direct access to a public or private right-of-way across common property perpetually maintained for such purposes. Examples include townhome, condominium, or multi-family developments, and office park and shopping center developments.
 - (b) Every lot shall be configured so as to maintain at least 20 feet for ingress/egress of emergency service vehicles

Item 9: That Chapter 2: Administration is amended by adding the following underlined language:

Section 2.4.6.B Applicability

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

- (1) Uses identified as requiring use permits in Table 4.1.1, Summary Use Table, or Table 4.3.2.E, Table of Common Accessory Uses;

Item 10: That Chapter 5: Development Standards is amended by adding the following underlined language:

TABLE 5.12.4: SIGNS EXEMPTED FROM SIGN PERMITS				
SIGN TYPE	EXAMPLE	APPLICABLE STANDARDS	MAXIMUM SIGN AREA (SQ. FT)	MAXIMUM HEIGHT (FEET)
Sandwich/Tent Sign		<p><u>Allowed only in the Outer Banks.</u> Each business unit may have one temporary double-sided on-premise sign, provided:</p> <p><u>1. 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;</u></p> <p><u>1. The sign shall be located on an existing sidewalk or deck, and immediately adjacent to the entrance of the business installing the sign and comply with the outdoor display requirements of Section 3.4.3.O where applicable;</u></p> <p><u>2. The sign may be located adjacent to NC 12 from October 1 to May 15 provided it is located on the same parcel as the business or on shopping center property (including common area).</u></p> <p><u>3. The sign shall be removed if the business is closed on 3 or more consecutive days.</u></p>	8	4

Item 11: That Chapter 10: Definitions and Measurement is amended by adding the following underlined language:

Section 10.5 Definitions

DWELLING UNIT

One room or rooms connected together, constituting a separate, independent housekeeping establishment for owner or renter occupancy, and containing independent cooking and sleeping facilities, and sanitary facilities.

Item 12: That Chapter 2: Administration is amended by adding the following underlined language and deleting the strikethrough language:

Table 2.3.6.B Public Notification Timing Requirements

NOTES:

[3] Mailed notice shall not be required when a zoning map amendment includes more than 50 lots or tracts, owned by at least 50 different landowners, provided the county publishes a ~~map notice~~ (occupying at least one-half (1/2) of a newspaper page) showing the boundaries of the affected area in a newspaper of general circulation once a week for two successive calendar weeks, with the first notice published not

less than ten days nor more than 25 days before the date fixed for the public hearing. Affected land owners residing outside the newspaper circulation area shall be notified via first class mail pursuant to Section 2.3.6, Public Hearing Scheduling and Public Notification.

Section 2.3.6.B Public Notification

(3) Mailed Notice Requirements

- (a)** Except for community meetings, when the provisions of this Ordinance require mailed notice, the Planning Director shall be responsible for preparing and mailing the written notice. Notice shall be mailed to:
 - (i)** All The owners of the land subject to the application;
 - (iii)** All The owners (shown as primary and secondary on the county tax listing) of land within 200 feet of the property lines of land subject to the application (including owners of land located outside the county) whose address is known by reference to the latest ad valorem tax records; and

Item 13: That Chapter 6: Subdivision and Infrastructure Standards is amended by adding the following underlined language and deleting the strikethrough language:

Section 6.2.3.D Water Supply Standards

(5) Connection Fees

- (a)** All connection fees shall be paid for each residential lot or use that is required to be connected to the county water system ~~prior to final plat approval~~ at the time of issuance of the building permit authorizing construction to begin.
- (b)** All connection fees shall be paid for each nonresidential lot or use required to be connected to the county water system at the time of issuance of the building permit authorizing construction to begin.

Item 14: That Chapter 10: Definitions and Measurement is amended by adding the following underlined language and deleting the strikethrough language:

Section 10.3.3.A Lots

(3) Lot Coverage

Lot coverage is a measure of intensity of a use of land that represents the portion of a site that is covered by impervious surface. For the purposes of determining maximum lot coverage, the following features shall be considered as impervious surface:

- (b)** The area covered by porches, patios, decks, balconies, and boardwalks that prevent infiltration of rainwater; and
- (c)** Patios, Walkways, sidewalks, and vehicular use areas ~~that prevent infiltration of rainwater.~~

Item 15: That Chapter 2: Administrative is amended by adding the following underlined language:

Section 2.3.4.F Determination of Application Completeness

(2) Application Incomplete

- (c)** Incomplete appeal applications shall be resubmitted and determined complete within the time specified in Section 2.4.17.B. Failure to do so will result in the interpretation, decision, or notice of violation being considered final.

Item 16: That Chapter 4: Use Standards is amended by adding the following underlined language and deleting the strikethrough language:

TABLE 4.3.2.E: TABLE OF COMMON ACCESSORY USES																	
P = Permitted by-right Z= Zoning Compliance Permit U = Use Permit A = Allowed with master plan blank cell = Prohibited																	
ACCESSORY USE TYPE	ZONING DISTRICT															ADDITIONAL REQ. (4.3.)	
	RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	CC	VC	LI	HI	PD-R	PD-M		PD-O
Child Care, Incidental		PZ	PZ	PZ	PZ	PZ	PZ	PZ	PZ	PZ	PZ			MP	MP	MP	3.E
Retail Sales from a Vehicle		P					P	P	P	P	P	P		MP	MP	MP	3.T

Section 4.3.2.B General Standards

- (4)** Accessory uses shall not exceed 25 percent of the heated floor or buildable area of the principal use, except where otherwise allowed by this Ordinance;

Section 4.3.3.E Child Care, Incidental

Child care is permitted as an accessory use to a single-family dwelling in accordance with the following standards:

- (1)** Such uses shall be licensed by the State as a Family Child Care Home and shall comply with all minimum State requirements;
- (2)** The child care portion shall be limited to 25 percent or less of the floor area of the principal structure areas required and/or approved by the State; and
- (3)** ~~The maximum number of children shall be limited to 12;~~
- (43)** The use shall be operated by a person residing within the principal use and shall be limited to a maximum of one additional employee not residing in the principal use.
- (5)** ~~A minimum of 100 square feet of fenced play area per child shall be provided within a rear or interior side yard.~~

Item 17: That Chapter 10: Definitions and Measurement is amended by adding the following underlined language renumbering accordingly:

Section 10.3.6.C Exceptions

(1) General

Height limits shall not apply to bulk storage silos, grain elevators, barns, chimneys, elevator shafts, church spires, belfries, cupolas, domes, flag poles, monuments, water towers, rooftop dish antennas, solar equipment, skylights, fire escapes or roof access stairways, mechanical equipment required to operate and maintain the building, or similar appurtenances, provided:

- (1a)** The appurtenance does not interfere with Federal Aviation Regulations, Part 77, Objects Affecting Navigable Airspace;
- (2b)** The appurtenance does not exceed a maximum height of 200 feet above grade;
- (3c)** The appurtenance is not constructed for the purpose of providing additional floor area in the building; and
- (4d)** The appurtenance complies with the screening requirements for mechanical equipment and appurtenances in this Ordinance.

(2) Special Flood Hazard Areas

When structures are required to be elevated in order to meet the design flood elevation (DFE), the maximum building height may be exceeded provided:

- (a)** The resulting mean roof height does not exceed 38 feet; and
- (b)** The maximum building height is not exceeded by a distance greater than the difference between established grade and the DFE.

Item 18: That Chapter 2: Administration is amended by adding the following underlined language renumbering accordingly:

Section 2.2.4.B Membership, Appointment, and Terms of Office

(1) General

- (a)** The Board of Adjustment shall consist of five regular members and two alternate members appointed by the Board of Commissioners. Each County Commissioner may appoint one member from any electoral district in the county, two of which shall be alternate members.
- (b)** Regular members leaving the Board shall be replaced by existing alternate members; likewise, newly appointed members shall be assigned as alternate members, when practicable. In situations when this can not be met, seats shall be determined by the Board of Commissioners.

LIBRARY BOARD OF TRUSTEES
4 Year Terms

Incumbent	Nominated by	New Appointee	Nominated by	Date of Appointment	End of Term
Shelly Haskell	District 1		Vance Aydlett	5/18/2009	Unexpired Term 6/30/2013
Dr. Norman Dahm	District 2		John Rorer	5/18/2009	2nd 6/30/2013
Colleen Umphlett	District 3		Butch Petrey	3/1/2010	Unexpired Term 6/30/2013
Joann DiBello	District 4		Owen Etheridge	7/20/2009	1st 6/30/2013
Lisa Rose	District 5		Marion Gilbert	6/15/2009	1st 6/30/2013
George Gregory	At-Large		Paul Martin	5/18/2009	1st 6/30/2013
Rhonda Cheek	At-Large		Paul O'Neal	6/2010	6/30/2014
Dr. Alison Boone-Heyder**				9/2/2008	1st 6/30/2012

Eligible for EARL, Umphlet, Gregory or Boone-Heyder

**CURRITUCK COUNTY FY 11 COMMUNITY DEVELOPMENT PROGRAM
SCATTERED SITE HOUSING**

GRANT PROJECT ORDINANCE

Be it ordained by the Currituck County Board of Commissioners that, pursuant to Section 13.2 of Chapter 159 of the General Statutes of North Carolina, the following Grant Project Ordinance is hereby adopted:

Section 1. The project authorized is the Community Development Project described in the work statement contained in Grant Agreement 11-C-2308 between the County and the North Carolina Department of Commerce. This project is known as the Currituck County Scattered Site Housing Project.

Section 2. The officers of this unit are hereby directed to proceed with the grant project within the terms of the grant documents, the rules and regulations of the North Carolina Department of Commerce and the budget contained herein.

Section 3. The following revenues are anticipated to be available to complete this project:

Community Development Block Grant	\$ 400,000
Total	\$ 400,000

Section 4. The following amounts are appropriated for the project:

Clearance Activities	\$ 37,500
Reconstruction	297,750
Rehabilitation	24,750
Planning	7,000
Administration	<u>33,000</u>
Total	\$ 400,000

Section 5. The Finance Director is hereby directed to maintain within the Grant Project Fund sufficient specific detailed accounting records to provide the accounting to the grantor agency required by the Grant Agreement and Federal and State regulations.

Section 6. Upon submission of vendor invoices, the County will make payments to vendors according to the invoice payment schedule published on the County website. The County will pay invoices in advance and requisition the State for reimbursement for payments made. Compliance with all federal and state procurement regulations is required.

Section 7. The Finance Director is directed to report quarterly on the financial status of each project element in Section 4 and on the total grant revenues received or claimed.

Section 8. The Finance Director is directed to include a detailed analysis of past and future costs and revenues on this grant project in every budget submission made to the Board of Commissioners.

Section 9. Copies of this Grant Project Ordinance shall be made available to the Finance Director for direction in carrying out this project.

Adopted this 16th day of July, 2012.

John Rorer, Chairman
Board of Commissioners

ATTEST:

Gwen Keene, Clerk to the Board



COUNTY OF CURRITUCK

Tax Department
P.O. Box 9
Currituck, North Carolina 27929

Tracy Sample, Tax Administrator
(252) 232-3005
(252) 232-3568 (FAX)

MEMORANDUM

TO: Board of County Commissioners

FROM: Tax Office *TS*

DATE: 07/02/2012

SUBJECT: Charge Levy on Motor Vehicles for March Renewals

Please charge to the Tax Collector the levy on motor vehicles for March. The following is a breakdown of the assessment and the total tax due.

ASSESSMENT

\$ 18, 871, 069

TAX AMOUNT

\$ 60, 397.71

TS/lew

CLERK: 6271w11

YEAR PER	JNL	JNL DESC	REF 1	REF 2	REF 3	ACCOUNT DESC	T OB	DEBIT	CREDIT
SRC ACCOUNT	EFF DATE					LINE DESC			
2013 1	10071					TAXES RECEIVABLE - 2012 LEVY			
MVB 10000-111012	07/02/2012	MV AR GEN				2012 MV COUNTY WIDE \$0.32		60,387.66	
MVB 10000-228100	07/02/2012	MV AR GEN				DEFERRED REVENUE - TAXES REC			60,387.66
MVB 65000-111012	07/02/2012	MV AR GEN				2012 MV COUNTY WIDE \$0.32		10.05	
MVB 65000-111012	07/02/2012	MV AR GEN				TAXES RECEIVABLE - 2012 LEVY			10.05
MVB 65000-228100	07/02/2012	MV AR GEN				2012 MV MOYOCK COMMONS			
						DEFERRED REVENUE - TAXES REC			10.05
						2012 MV MOYOCK COMMONS			
NEW JOURNAL 2013/01/10071 TOTAL								60,397.71	60,397.71

2012 MOTOR VEHICLE SUMMARY - TAX CHARGES

CHARGE YEAR	DESCRIPTION	VALUE:	LEVY:	TAX:
G01 2010	COUNTY WIDE \$0.32	18,837,830	60,281.31	106.35
G01 2011	COUNTY WIDE \$0.32	4,100	10.05	10.05
W02 2011	MOYOCK COMMONS			
CHARGE GRAND TOTALS		18,871,069	60,397.71	60,397.71

2012 MOTOR VEHICLE SUMMARY - JURISDICTION

JURIS	YEAR	DESCRIPTION	VALUE:	LEVY:	EXEMPTIONS:
10	2010	POPULAR BRANCH ML	13,470	43.11	28,760.00
20	2010	FRUITVILLE ML	5,650	18.07	3,030.00
30	2010	MOYOCK MAINLAND	6,099	19.51	.00
40	2010	CRAWFORD	8,020	25.66	.00
10	2011	POPULAR BRANCH ML	5,941,393	19,012.53	28,080.00
11	2011	POPULAR BRANCH BCH	803,164	2,570.13	.00
12	2011	OCEAN SANDS W/S	107,350	343.53	.00
20	2011	FRUITVILLE ML	1,012,123	3,238.80	.00
21	2011	FRUITVILLE BEACH	1,204,722	655.10	.00
30	2011	MOYOCK MAINLAND	5,759,335	18,430.04	347,720.00
31	2011	MOY GIBBS WOODS	187,930	601.41	.00
32	2011	MOY COMMONS SEWER	4,100	23.17	.00
40	2011	CRAWFORD	4,817,713	15,416.65	18,510.00

JURISDICTION GRAND TOTALS VALUE: 18,871,069 LEVY: 60,397.71 EXEMPTIONS: 426,100.00

** END OF REPORT - Generated by Lillian Wilson **

**Resolution to Accept Award of
FY 11 CDBG Scattered Site Housing Grant 11-C-2308**

WHEREAS, the County of Currituck has received a Grant Agreement and Funding Approval for \$400,000 from the NC Department of Commerce, Community Investment and Assistance for the FY 2011 CDBG Scattered Site Housing Grant 11-C-2308 for housing rehabilitation activities.

THEREFORE, BE IT RESOLVED that the County of Currituck accepts the grant award and authorizes the following employees to sign Requisition for Funds Forms:

Sandra L. Hill, Finance Director

Daniel F. Scanlon II, County Manager

Bridget Brinkley, Fiscal and Budget Assistant

Ben Woody, Planning Director

On the motion of _____, seconded by _____, the foregoing resolution was adopted this 16th day of July, 2012 by the County of Currituck Board of Commissioners. _____ affirmative votes; _____ opposing votes.

Gwen H. Keene, Clerk to the Board

CURRITUCK COUNTY
NORTH CAROLINA
July 2, 2012

The Currituck County Board of Commissioners met at 6:00 p.m. to discuss rules and regulations for Advisory Boards.

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 Rorer, Commissioners Gilbert, O'Neal, Etheridge, Aydlett, Martin and Petrey.

A) Invocation

B) Pledge of Allegiance

Glenn McCranie, Retired Navy Chaplain, was present to give the invocation.

C) Senior Bell Choir to Perform Patriotic Music

The Currituck County Senior Citizen Bell Choir members performed Patriotic Music for the Board.

The Board commended the Senior Bell Choir for their performance.

D) Approval of Agenda

Commissioner Martin moved to approve the agenda. Commissioner Gilbert seconded the motion. Motion carried.

E) Public Comment

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

Public Hearings

- A) **Public Hearing and Action:** PB 12-12 A1 Towing: Request for a special use permit to operate a towing impound lot and equipment and material storage areas. The property is located at 1221 Ponton Lane, Tax Map 14, Parcel 3S, Poplar Branch Township.
- B) **Public Hearing and Action:** PB 12-11 Ryan Anderson: Request for a special use permit for outdoor entertainment, special events, and light manufacturing. The property is located at 5650 and 5666 Caratoke Highway, Tax Map 84, Parcels 19A and 19B, Poplar Branch Township.

New Business

A) Board Appointments:

1. Appointments to ABC Board

2. Appointment to Board of Adjustment
3. Appointments to Public Library Board of Trustees
4. Appointment to East Albemarle Regional Library (EARL)
5. Appointment to Tourism Board
6. Designation of Voting Delegate to NCACC Annual Conference

B) Consent Agenda:

1. Approval of June 18, 2012 Minutes
2. Lottery Application to Replace Chiller at Central Elementary School for \$150,000; Replace 2 HVAC systems at CCMS and 1 at Griggs for \$146,000; Replace roofs at Knapp and Moyock Elementary for \$126,000

C) Commissioner's Report

D) County Manager's Report

Adjourn

E) Public Comment

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

Chairman Rorer opened the public comment period.

Commissioner Gilbert is working on a committee for young adults to educate them on driving and pedestrians on the roadways.

Commissioner Etheridge would like to schedule a meeting with DOT and this committee.

Commissioner O'Neal stated that DOT has contacted staff and will review the areas where two young adults were killed.

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

Public Hearings

A) Public Hearing and Action: PB 12-12 A1 Towing:

Request for a special use permit to operate a towing impound lot and equipment and material storage areas. The property is located at 1221 Ponton Lane, Tax Map 14, Parcel 3S, Poplar Branch Township.

Sworn Testimony was given prior to making comments. Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE
Board of Commissioners
DATE: July 2, 2012
PB 12-12 A1 Towing SUP**

ITEM: PB 12-12 A1 Towing, Special Use Permit Request

LOCATION: The property is located on Ponton Ln. adjacent to the Currituck County future well site in Villages at Ocean Hill.

TAX ID: Tax Map 14, Parcel 3S

ZONING DISTRICT: The site is currently located in General Business zoning and within the Villages at Ocean Hill PUD overlay district.

PRESENT USE: A1 Towing site (automobile services)

OWNER: Midlantic Builders, LLC
P.O. Box 2225
Kitty Hawk, NC 27949

APPLICANT: Michael Cherry

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Undeveloped-Ocean Hill Tract 1	Commercial GB
SOUTH:	Persimmon Residential/Commercial	Street CD-GB/RO1
EAST:	Undeveloped-Ocean Hill Tract 1	Commercial GB
WEST:	Undeveloped	RO1

LAND USE PLAN

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

SIZE OF SITE: Parcel Area: 19.7 acres; SUP area: 1.13 acres

STREETS: Access to the site is from a newly constructed access road within an existing legal easement.

NUMBER OF UNITS: NA

PROJECT DENSITY: NA

UTILITIES: There will be no new utilities associated with the use.

OPEN SPACE: There will be no change in open space.

I. NARRATIVE OF REQUEST:

On September 7, 2010 the Board of Commissioners moved to extend the Special Use Permit to operate a towing company impound lot with the condition that an access road must be constructed within the existing legal easement by December 31, 2010 or the permit would be revoked.

The original SUP was revoked. Since that time, the access road was constructed and the applicant has submitted a new SUP application.

In addition to the towing and impound lot uses, the applicant is requesting approval of two equipment storage/stockpile areas.

II. 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. The proposed uses are permissible with a Special Use Permit

3. The conditions proposed meet or exceed the minimum requirements of this ordinance.

Suggested Findings:

- a. The conditions proposed meet the minimum requirements of this ordinance

4. The special use will not endanger the public health or safety:

Suggested Findings:

- a. The proposed use should have little or no impact on public health or safety.

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 use is not visible from NC12 nor located within close proximity to residential dwellings and should be in harmony with the surrounding areas.

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

Suggested Findings:

The 2006 Land Use Plan classifies this site as Full Service within the Corolla subarea. Insert LUP classification narrative. The proposed use is in keeping with the policies of the plan, some of which are:

- (a) Policy ID5: WAREHOUSING, STORAGE AND DISTRIBUTION facilities shall have access to thoroughfares of adequate traffic carrying capacity, and shall be appropriately designed and/or visually buffered according to the visibility of their location.

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 should have adequate public facilities to service this subdivision.

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

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

1. Prior to placement of any new structures on the property, the applicant will coordinate with the fire marshal and the building inspections department.

IV. PLANNING STAFF RECOMMENDATION:

Planning staff recommends approval of the SUP with the following conditions:

1. The proposed uses shall not generate frequent use of the Ponton Lane access road by the general public.
2. The Ponton Lane access road shall be frequently maintained to prevent the formation of potholes and other potentially dangerous situations.
3. With regard to the towing operation, the access road shall only be used for transporting vehicles to and from the impound lot. The towing operation shall provide assistance with vehicle retrieval when necessary.
4. The impound lot shall not be used for storage of non-towing related vehicles, including but not limited to, storage of vehicles for off road area vacationers.
5. All proposed uses and associated areas of disturbance shall have no direct impact on the adjacent wetlands. This shall include, but not limited to, the use of vegetative buffers and the treatment of stormwater through vegetative perimeter swales as prescribed.
6. Drainage within the use areas shall also be provided and maintained so as not to create problems with standing water and should direct runoff to the vegetative buffers and perimeter swales noted above.
7. No hazardous waste material shall be stored on site.
8. The existing earthen surfaces to be used for access, loading, parking and circulation areas shall be adequately maintained by their respective operators. Specific use areas are not delineated to allow flexibility but shall be arranged to allow adequate access for fire and rescue purposes.
9. No fill, storage of equipment and materials, and accessory structures shall be located within 10 feet of the subject property boundary.

10. This plan proposes only minimal impervious improvements (3 storage sheds). However, if additional impervious coverages are proposed to exceed a total of 10,000 S.F., a NCDENR State Stormwater Permit and county approval will be required prior to their installation.
11. Land disturbances exceeding 1.0 acre will require an NCDENR State Sedimentation and Erosion Control Permit and county approval.
12. A minimum of 20' of separation must be provided between areas of open material storage and the edge of perimeter swales or means of sediment containment must be utilized where separation is less than 20' minimum.
13. A final site plan meeting all requirements of the UDO must be approved by the Technical Review Committee.

V. PLANNING BOARD RECOMMENDATION:

The Planning Board recommended **approval** of PB 12-12 with the findings of fact and staff recommendations.

Chairman Rorer opened the public hearing.

Commissioner O'Neal commented on the 2001 access agreement to improve easement and questioned if the county still had authority to use easement.

Jim Bickford, was present to answer any questions.

Mark Bissell, Engineer, stated that the access road has been improved and located in the correct place.

Michael Cherry, Applicant, stated that the easement has been completed.

Matt Ragaller, Attorney for Ocean Hill, commented on the settlement agreement to relocate easement and expanding scope of the access.

Commissioner Etheridge questioned if the easement was in correct location.

Ike McRee, County Attorney, stated that the improved easement is in the correct location. Any other issues between the applicant and Ocean Hill are civil issues.

Starkey Sharp, Attorney, agreed with County Attorney's statements on the easement.

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

Commissioner Aydlett moved to approve request with findings of fact and staff recommendations included in the case analysis. Commissioner Gilbert seconded the motion. Motion carried.

B) Public Hearing and Action: PB 12-11 Ryan Anderson: Request for a special use permit for outdoor entertainment, special events, and light manufacturing. The property is located at 5650 and 5666 Caratoke Highway, Tax Map 84, Parcels 19A and 19B, Poplar Branch Township.

Sworn testimony was given prior to making comments. Ben Woody, Planning Director, reviewed the request.

**CASE ANALYSIS FOR THE
Board of Commissioners
DATE: July 2, 2012
PB 12-11 Ryan Anderson**

ITEM: PB 12-11 Ryan Anderson, Special Use Permit request for Outdoor Entertainment, Special Events, and Light Manufacturing.

LOCATION: 5650 and 5666 Caratoke Highway (Diggers Dungeon) Poplar Branch Township.

TAX ID: 0084-000-019A-0000 and 0084-000-019B-0000

ZONING DISTRICT: General Business (GB) and Agricultural (A)

PRESENT USE: Retail, Light Manufacturing, Special Events, Restaurant

OWNER: Dennis and Carissa Anderson, Julie Anderson
5650 Caratoke Highway
Poplar Branch NC 27965

APPLICANT: Ryan Anderson
 5650 Caratoke Highway
 Poplar Branch NC 27965

LAND USE/ZONING OF SURROUNDING PROPERTY:

	Land Use	Zoning
NORTH:	Retail	GB/A
SOUTH	Retail	GB/A
EAST:	Low density residential	GB
WEST:	Undeveloped	A

LAND USE PLAN

CLASSIFICATION: The 2006 Land Use Plan classifies the site as Limited Service within the Aydlett-Waterlily-Churches Island subarea.

SIZE OF SITE: 11.75 acres

UTILITIES: County water and an on-site septic system service this project.

I. NARRATIVE OF REQUEST:

While several permits have been granted to these properties throughout the years, the applicant is seeking a special use permit to cover all uses on the two properties. The special use permit request is for outdoor entertainment, special events, and light manufacturing. Some of the uses for the property include a Power Wheels track, monster truck rides, signing events, Easter Egg hunts, retail, and the manufacturing, repairing, and maintenance of monster trucks. A 7,500 sf shop to the rear of the existing shop is also proposed as a part of this project.

II. 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. When a combination of uses compromises two or more principal uses that require different types of permits including zoning, special use, and conditional use, then a special use permit shall be required if any of the uses require a special use permit. (UDO Section 2.4.3). Outdoor entertainment and special events are listed as special use permits in the GB zoning district.

3. The conditions proposed meet or exceed the minimum requirements of this ordinance.
Suggested Findings:
 - a. The conditions proposed appear to meet the minimum requirements of the UDO.

4. The special use will not endanger the public health or safety:
Suggested Findings:
 - a. Public health and safety should not be endangered.
 - b. The applicant will be working directly with Emergency Medical Services, Sheriff's Office, Health Department, Building Inspector, Fire Marshal, etc. for special events to insure adequate public resources are available.

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 proposed uses are similar to the existing uses of the property; therefore, property value and harmony with the area should not change.

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

The 2006 Land Use Plan classifies this site as Limited Service within the Aydlett/Waterlily/Churches Island subarea. With respect to nonresidential uses, it is essential that the existing community character be preserved in the Limited Service classification.

Also, businesses designed to serve the tourist industry should not be prohibited provided the character and intensity of the use is in keeping with the character of the surrounding area. The proposed use is in keeping with the policies of the plan, some of which are:

POLICY ID1: To diversify the local economy and broaden the local tax base, the County shall encourage a public service and regulatory environment conducive to COMPATIBLE INDUSTRIAL DEVELOPMENT. "Compatible" shall be defined as, among other things, industries that do not adversely impact the environmental quality of the area, or overburden the local infrastructure.

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 uses should not exceed the county's ability to provide adequate public facilities. The applicant will coordinate each special event with Emergency Medical Services, Sheriff's Office, Health Department, Building Inspector, Fire Marshal, etc. The applicant also plans to provide private security as necessary at the events.

III. TECHNICAL REVIEW COMMITTEE RECOMMENDATION:

Pursuant to the Unified Development Ordinance, the Technical Review Committee recommends approval subject to the following plan correction and comments:

1. Show the location of the proposed fire hydrant and corresponding water lines. (Fire Marshal)

2. Without careful planning and full cooperation of the applicant with fire, EMS, and LE the size, nature, and use of alcohol at the activities will present a public health and safety concern. Participants and visitors are of all ages. There is over night camping. While camping here visitors do not know the proper location to give to the 911 center during overnight emergencies. While the applicant expresses that most of his activities are of no significant size, he is unable to give any quantitative measurements. Staff of Fire, EMS, and LE are striving for a ratio of their staff required to meet the needs of the particular events. (Fire Marshal)
3. EMS and LE plan for nearly a year ahead for county activities. In this economy we are working with strained staffing and volunteers. These agencies are committed with assisting the applicant but it must be on the terms of available staffing and funds for staffing. Planning must be in place not to affect other events needing additional services and scheduling such as tourism events on the outer banks, biker events on the mainland, and school events, not to mention day to day operations increased by summer tourism. (Fire Marshal)
4. It is my recommendation that the permit be required to be reissued every year in order to assure the focus of cooperation among all parties involved toward the result of optimal public health and safety. (Fire Marshal)
5. The applicant must be aware that this permit does not circumvent additional state and local requirements such as fireworks permits, tent permit, construction permits, etc. All non conforming elements of his present operation should be brought into compliance prior to the additional activities. (Fire Marshal)
6. I would consider the event to require minimum of two Deputies if there is no security provided by the applicant at the events. Applicant should provide a schedule of events as soon as possible to coordinate off duty work assignments if required to have law enforcement present during the event. (Sheriff)

IV. PLANNING STAFF RECOMMENDATION:

Planning Staff recommends approval of this request subject to the following conditions and special requirements of the UDO:

1. That all TRC comments be satisfactorily addressed.

2. That all special events be coordinated with the Sheriff's Office, Emergency Medical Services, Building Inspector, Fire Marshal, and any other relevant agency at least 30 days in advance of each event to ensure adequate public services are available for each event.
3. The existing fabrication and engine shop was originally approved for residential use only through Building Permit #20044275. Please coordinate with the building inspector, fire marshal, etc. regarding commercial use of the building.
4. Special Events, Section 3.10.4:
 - A. The hours of operation allowed shall be compatible with the uses adjacent to the activity.
 - B. The amount of noise generated shall not disrupt the activities of adjacent land uses.
 - C. The applicants shall guarantee that all litter generated by the special event be removed at no expense to the county.
 - D. Parking generated by the event shall be accommodated without undue disruption to or interference with the normal flow of traffic or with the right of adjacent and surrounding property owners to the beneficial use and enjoyment of their property.
 - E. In cases where it is deemed necessary, the board may require the applicant to post a bond to ensure compliance with the conditions of the special use permit.
 - F. If the permit applicant requests the county to provide extraordinary services or equipment or if the county otherwise determines that extraordinary services or equipment should be provided to protect the public health or safety, the applicant shall be required to pay to the county a fee sufficient to reimburse the county for the costs of these services. This requirement shall not apply if the event has been anticipated in the budget process and sufficient funds have been included in the budget to cover the costs incurred.
5. Light Manufacturing in a commercial zoning district, in Section 3.8.2:
 - A. Light manufacturing use must include retail sales on the premises.
 - B. Where the use abuts a residential use or a residential zone an opaque (Type A) screen shall be installed to shield neighboring property from the view of any building. If a fence is used to accomplish the opaque screen, evergreen vegetation shall be planted outside of the screen such that within six years the fence will not be visible from

a distance of at least ten feet. A semi-opaque (Type B) screen shall be required along all street right-of-ways. Existing vegetation shall be preserved to the maximum extent possible.

- C. Buffer and setback areas in the side and rear may not be used for parking.
- D. No open storage shall be permitted. All materials, supplies or products shall be stored under roof or shall be screened from view with opaque fencing. This shall not apply to finished products presented in the open for display and sale.
- E. The use shall not generate more noise, smoke, odor, fumes, vibrations or other disturbance than is characteristic of permitted business uses located within 1,000 feet in any direction when observed, measured, or monitored from the closest property line. In cases where such monitoring, measuring or observation is required, it shall be the responsibility of the applicant to provide adequate information to the Board of Adjustment.

V. PLANNING BOARD RECOMMENDATION:

The Planning Board recommended **approval** of PB 12-11 with the findings of fact and staff recommendations included in the case analysis.

PLANNING BOARD DISCUSSION (6-12-12)

Mr. Anderson stated it was recommended by Sheriff Susan Johnson that he hire two Deputies when he has a special event on the property. Mr. Anderson stated he does not agree that he needs to do this since it will be family events and free admission. To hire two Deputies would be expensive.

Ms. Glave stated this was a recommendation by Sheriff Johnson, but not a requirement. Ms. Glave stated the applicant could handle security informally and if it is a need for formal security then it would be handled on a case-by-case basis. Camping on the property will be addressed 30 days prior to the event.

PLANNING BOARD ACTION

Ms. Wilson moved to approve PB 12-11 with the findings of fact and staff recommendations included in the case analysis. Ms. Everhart seconded the motion. Motion carried unanimously.

Chairman Rorer opened the public hearing.

Dennis Anderson, applicant stated that he was present to answer any questions and that he is trying to grow his business.

Commissioner Aydlett commented on how many people he employs, which is about 88.

Commissioner Etheridge commended his efforts and sponsorship of the kids.

Chairman Rorer closed the public hearing.

Commissioner Aydlett moved to approve with findings of fact and staff recommendations included in the case analysis. Commissioner Petrey seconded the motion. Motion carried.

New Business

A) Board Appointments:

1. Appointments to ABC Board

Commissioner O'Neal reappointed Horace Bell and David Myers. Commissioner Aydlett seconded the motion. Motion carried.

2. Appointment to Board of Adjustment

Commissioner Petrey moved to change Theresa Dozier from Alternate to permanent member. Commissioner Martin seconded the motion. Motion carried.

Commissioner Martin moved to table his appointment. Commissioner Gilbert seconded the motion. Motion carried.

3. Appointments to Public Library Board of Trustees

Commissioner Aydlett moved to appoint Shelly Haskell. Commissioner O'Neal seconded the motion. Motion carried.

4. Appointment to East Albemarle Regional Library (EARL)

Commissioner Etheridge moved to appoint Dr. Norman Dahm.
Commissioner O'Neal seconded the motion. Motion carried.

5. Appointment to Tourism Board

Commissioner Gilbert moved to appoint Janice Farr.
Commissioner Etheridge seconded the motion. Motion carried.

6. Designation of Voting Delegate to NCACC Annual Conference

Commissioner Aydlett moved to appoint Commissioner Etheridge. Commissioner Gilbert seconded the motion. Motion carried.

B) Consent Agenda:

1. Approval of June 18, 2012 Minutes
2. Lottery Application to Replace Chiller at Central Elementary School for \$150,000; Replace 2 HVAC systems at CCMS and 1 at Griggs for \$146,000; Replace roofs at Knapp and Moyock Elementary for \$126,000

Commissioner Petrey moved to approve. Commissioner Aydlett seconded the motion. Motion carried.

C) Commissioner's Report

Commissioner Martin reminded the citizens that fireworks were not permitted.

Commissioner O'Neal stated that the Whalehead ramp is closed the 4th of July for safety reasons. This was done at the request to the Coast Guard.

D) County Manager's Report

No comments

Adjourn

There being no further business, the meeting adjourned.

