

Town of North Topsail Beach

Joann M. McDermon, Mayor
Mike Benson, Mayor Pro Tem

Aldermen:
Richard Grant
Tom Leonard
Susan Meyer



Chief Younginer
Town Manager

Sherrie L. Hancock
Town Clerk

Nature's Tranquil Beauty

Board of Aldermen
Regular Meeting Agenda
Thursday, July 1, 2021, 6:30 P.M.
North End Fire Department
2049 New River Inlet Road, North Topsail Beach, N.C.28460

- | | | |
|-------|---|----------------------|
| I. | Call to Order | Mayor McDermon |
| II. | Invocation | Mayor Pro Tem Benson |
| III. | Pledge of Allegiance | |
| IV. | Approval of Agenda | |
| V. | Selection of Alderman | Town Attorney |
| VI. | Manager's Report | Chief Younginer |
| VII. | Open Forum (3 Min. Max Time Limit) | |
| VIII. | Presentation and Public Hearings: | |
| | A. Federal Project Update | Mr. Doug Carter |
| | B. Coastal Engineer Update | Mayor Pro Tem Benson |
| | C. Text Amendment:
Water Dependent Structures: Principal vs. Accessory | Planning Director |
| | C. Case #R-21-01 Rodriguez | Planning Director |
| | D. Case #R-21-02 Herring | Planning Director |

E. Uniform Development Ordinance (NCGS 160D amendments) Planning Director

IX. Consent Agenda

A. Approval of Minutes:

1. June 3, 2021 Regular Meeting
2. Approval of June 14, 2021, Special Meeting Budget
3. Approval of June 18, 2021, Special Meeting Budget
4. Approval of June 22, 2021, Special Meeting Budget
5. Approval of June 25, 2021, Special Meeting MSD's
6. Approval of June 28, 2021, Special Meeting MSD's

B. Department Head Reports

1. Finance Dept.
Fee schedule amendment
Budget Amendment 2020-21.8
MOTV-Tax Refund
2. Fire Dept.
3. Inspections Dept.
4. Police Dept.
5. Planning Dept

C. Committee Reports

1. Planning Board
2. Board of Adjustment
3. TISPC
4. ONWASA

- X. Old Business
 - A. Municipal Service District Update
 - B. Offer to Purchase Update
 - 1. L3 S2 B7Old Settlers Beach by Timothy Eastman for 10,000.00- Update
 - 2. L2&L2A Sea Ranches by Craig Greif for 10,000.00-Update
 - C. Public Safety Building Update Mayor Pro Tem Benson
 - D. USACE Federal Project PPA
Discussion and Vote

- XI. New Business-
 - A. Onslow County BA4 Dune Repair Mayor Pro Tem Benson
Meeting July 13,2021-10:00 AM
 - B. Discussion of BOA Meeting time change Mayor McDermon

 - C. J. Powell Fisher offer to lease.

- XII. Atty Report-

- XIII. Mayor Report-

- XIV. Aldermen’s Report-

- XV. Closed Session-
 - 1.§ 143-318(a) (3) Consult with Town Attorney
 - 2.§ 143-318.11 (a) (5) (i) Land Acquisitions
 - 3.§ 143-318.11 (a) (6) Personnel

- XVI. Adjournment

***** Next BOA Regular Meeting August 5, 2021 *****

A brief update on oceanfront projects:

- Phase 1 and Phase 2 Dune Truck Haul: Remaining ~1.8 miles to be completed starting November 16.
- Hurricane Florence & Dorian Phase 5 FEMA Category G: Permit application submitted to CAMA/DCM.
- Hurricane Dorian Phase 1 FEMA Category G: Also included in the CAMA/DCM permit application.
- New River Inlet Management EIS: Corps plans to set up a meeting at NTB for late July and processing is ongoing.
- Working with NTB Finance Officer and DEC Associates regarding funding for upcoming FEMA projects
- CAMA/DCM updates to sediment criteria related to shells and rocks. State grant received for NTB sampling.



Town of North Topsail Beach
Board of Aldermen

Agenda Item:	PUBLIC HEARING
Date:	7/1/201

Issue: Water dependent structures: Principal vs. Accessory

Department: Planning

Prepared by: Deborah J. Hill MPA AICP CFM CZO

Presentation: Yes

BACKGROUND North Carolina is a riparian state, meaning that anyone who owns land adjoining surface water has the right to make reasonable use of that water.

Boat lifts and private boat ramps are permitted as an accessory structure, *not as a principal*. Boat launch/ramp is defined as, “a facility to launch and retrieve recreational boats from a trailer. Boat houses are not addressed in Table 4-1, nor defined in Chapter 11.

<i>Table 4-1 Use Table</i>											
<i>Use</i>	<i>MHR</i>	<i>R5</i>	<i>R8</i>	<i>R10</i>	<i>R15</i>	<i>R20</i>	<i>RA</i>	<i>COND</i>	<i>B1</i>	<i>B2</i>	<i>Use Specific Standard</i>
Accessory use											
Bed and breakfast	P	P	P	P	P	P	P				4.03.04
Boat lift	P	P	P	P	P	P	P				
Boat ramp, private	P	P	P	P	P	P	P	P	P	P	

ACCESSORY STRUCTURE (APPURTENANT STRUCTURE). A structure that is located on the same parcel of property as the principal structure and the use of which is incidental to the use of the principal structure. Garages, carports and storage sheds are common ACCESSORY STRUCTURES. Poles, barns, hay sheds and the like qualify as accessory structures on farms, and may or may not be located on the same parcel as the farm dwelling or shop building.

ACCESSORY USE. A use on the same lot or in the same building with the principal use of the lot or building, the nature and extent of which is clearly incidental or subordinate to that of the principal use.

BUILDING, PRINCIPAL (MAIN). A building in which is conducted the principal use of the plot on which it is situated.

COMMUNITY BOATING FACILITY. A private, nonprofit boating facility including a dock, pier and/or launching ramp on property having water frontage, the use of which is intended to serve more than one residential lot. The right to use such facility must be conferred by an easement appurtenant to the residential lot it is intended to serve. No commercial activities of any kind shall be allowed within the confines of the facility. The facility shall be limited to one slip per one residential dwelling unit, not to exceed ten slips.

MARINA. Any publicly or privately owned dock, basin or wet boat storage facility constructed to accommodate more than ten boats and providing any of the following services: permanent or transient docking spaces, dry storage, fueling facilities, haulout facilities and repair service. Excluded from this definition are boat ramp facilities allowing access only, temporary docking and none of the preceding services. Boat ramp facilities providing access only are excluded.

(NCAC 10B.1401(9))

PIER. A water-related structure extending into the water from the shore, whether floating or fixed to the bottom, for use as a boat landing place or promenade, constructed of pylons and decking for mooring and access to a boat or watercraft. May also include structures designed and constructed to serve as a means of recreational access (fishing and the like) to the ocean and sound waters.

<i>Table 4-1 Use Table</i>											
<i>Use</i>	<i>MHR</i>	<i>R5</i>	<i>R8</i>	<i>R10</i>	<i>R15</i>	<i>R20</i>	<i>RA</i>	<i>COND</i>	<i>B1</i>	<i>B2</i>	<i>Use Specific Standard</i>
Dock, pier (accessory, principal,)	P	P	P	P	P	P	P	P	P	P	

15A NCAC 02B .0202 defines "Water dependent structures" as those structures that require access or proximity to or siting within surface waters to fulfill its purpose, such as boat ramps, boat houses, docks, and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures.

At their regular meeting on June 10, 2021, the Planning Board discussed water-dependent structures defined by 15A NCAC 02B .0202 as a principal use.

RECOMMENDATION Mrs. Dixon made a motion to support what staff has brought up and that we go along with (Division of) Coastal Management as far as permitting or allowing these structures as a principle use. Chair McCloud read staff's recommendation, that the Planning Board 1) consider "what constitutes reasonable use" relative to principal use, as applied to boat lifts, private boat ramps and boat houses; and, 2) if it is determined that boat ramps, boat houses, docks and bulkheads as principal use are desirable, recommend an amendment to Table 4-1 to the Board of Aldermen, accordingly. Mrs. Greene seconded the motion, The motion passed 7-0.

ATTACHMENT Proposed Ordinance to Amend UDO Table 4-1 and Article 11.

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE
OF THE TOWN OF NORTH TOPSAIL BEACH, NORTH CAROLINA BY
ADOPTING THE DEFINITION OF WATER DEPENDENT STRUCTURES AND
ALLOWING AS BOTH PRINCIPAL OR ACCESSORY USE**

Ordinance 21-__

WHEREAS, North Carolina is a riparian state, meaning that anyone who owns land adjoining surface water has the right to make reasonable use of that water; and

WHEREAS, the Planning Board has reviewed the proposed standards and recommended approval of this ordinance; and has considered “what constitutes reasonable use” relative to principal use, as applied to boat lifts, private boat ramps and boat houses; and 2) has determined that boat ramps, boat houses, docks and bulkheads as principal use are desirable; and

WHEREAS, the Board of Aldermen has found this ordinance to be consistent with the Town’s adopted CAMA Land Use Plan; and

WHEREAS, the Board of Aldermen has determined that is in public interest to update standards for exempt plats and expedited review for certain types of subdivisions in the Unified Development Ordinance in compliance with the N.C. General Statutes.

NOW THEREFORE BE IT ORDAINED by the Board of Aldermen for the Town of North Topsail Beach, North Carolina that the Unified Development Ordinance shall be amended as follows:

PART I. That Subsection of the Unified Development Ordinance be amended with the addition of the following:

PART II. This ordinance shall be effective upon its adoption.

Table 4-1 Use Table

<i>Table 4-1 Use Table</i>											
<i>Use</i>	<i>MHR</i>	<i>R5</i>	<i>R8</i>	<i>R10</i>	<i>R15</i>	<i>R20</i>	<i>RA</i>	<i>CON-D</i>	<i>B1</i>	<i>B2</i>	<i>Use Specific Standard</i>
Accessory use											
Water dependent structures (principal use, accessory use)	P	P	P	P	P	P	P	P	P	P	Art. 11 Definitions; 15A NCAC 02B .0202

Article 11 Definitions

Add: “**WATER DEPENDENT STRUCTURES:** those structures that require access or proximity to or siting within surface waters to fulfill its purpose, such as boat ramps, boat houses, docks, and bulkheads. Ancillary facilities such as restaurants, outlets for boat supplies, parking lots, and commercial boat storage areas are not water dependent structures. Reference 15A NCAC 02B .0202”

STAFF REPORT CONTACT INFORMATION

Deborah J. Hill MPA AICP CFM CZO Planning Director

910.328.1349

dhill@ntbnc.org

DOCKET/CASE/APPLICATION NUMBER
CASE R-21-01

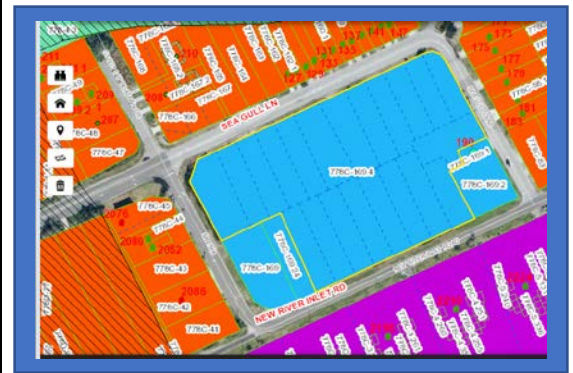
APPLICANT/PROPERTY OWNER
Rodriguez, Joe/Same

PUBLIC HEARING DATE
7 1 2021

PROPERTY ADDRESS/LOCATION
Sea Gull Ln & NRI 778C-169.4

BRIEF SUMMARY OF REQUEST

Joe Rodriguez is requesting a rezoning of Lots 1-21 as shown in Map Book 30 at Page 20, Onslow County Registry, from B-1 to R-8.



MAP SOURCE: Onslow County GIS with Zoning/Par line layer

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
B-1	vacant	NW R10 SF DUPL NE R10 DUPL SE B-1/R5 CONDO SW B-1 Palm Tree Mkt/Tiki Bar, R10 SF DUPL	none	+/- 4.98 acres

6-10-21, PLANNING BOARD RECOMMENDATION, 7-0

APPROVE

APPROVE WITH CONDITIONS

DENY

COMPATIBILITY with the COMPREHENSIVE PLAN

- CAMA LUP 2021 Map 21b. Future Land Use classification: Mixed Use Business.
- Reference Page 6-1;
- Ref Page 4-16: R-8 is considered "generally consistent with" Low- to Medium-Density Residential.
- Ref 5-9 P.9 Although this policy reflects support for medium density development, the Town will not rezone any property to a density less than R-10 (10,000 square feet).

PROPERTY HISTORY

July 19, 1993 – Preliminary Plat approved: Kate Smith (Book 4, page 35 – 36).
 August 19, 1993 – Final Plat approval of Smith tract (Book 44 and 45).
 October 7, 2004 – Rezoning B-1 to CU R-5 and Development of Sea Gull Village, contract to purchase Eric Litvak. Protest petition.
 November 4, 2004 – B-1 to CUR-5 with conditions passed 3 to 1, with Alderman Duane recused. Believing that the super-majority requirement was satisfied (Fairley/Johnson), the application was approved. Subsequently, however, the Board decided, based upon correspondence with faculty members at the Institute of Government and based on further examination of the legal issues surrounding the 4 November 2004 vote, that the absent Board member should have counted as a negative vote.
 On 2 December 2004, the Board reversed itself and declared the decision of 4 November 2004 void ab initio.
 On 20 December 2004, the Board voted again and this time rejected plaintiffs' application.
 January 6, 2005 – received a civil summons (CVS3958);
 11/7/06 – Court of Appeals decision. Smith filed/Litvak counterclaim
 .
 Eligible for federal flood insurance. Flood zone: AE 11, 12.

COMPATIBILITY with the ZONING ORDINANCE

August 19, 1993 – BOA final plat approval of Smith tract, Lots 1-21 as recorded as MB 30 P 20, Onslow County Registry, minimum 8,000 sq ft.

§ 2.06.01 TEXT AND MAP AMENDMENT (procedures).

§ 3.02.09 B-1 BUSINESS DISTRICT.

This district is established as a district in which the principal use of land is for the retailing of both perishable and durable goods, provision of commercial services to surrounding areas and neighborhoods and the provision of services to visitors. In promoting the general purpose of this ordinance, the specific intent of this district is:

- (A) To encourage the construction of and the continued use of the land for commercial and service uses, particularly those which serve the community or neighborhood;
- (B) To provide for the orderly expansion of such uses within this district, as designated on the zoning map;
- (C) To prohibit residential use of the land and to prohibit any other use which would substantially interfere with the development or continuation of the business uses in the district; and
- (D) To discourage the continuance of existing uses that would not be permitted as new uses under the provision of this district.

(Ord. passed 11-2-2011)

§ 3.02.06 R-8 MULTI-FAMILY RESIDENTIAL DISTRICT.

The purpose of this district shall be to provide for single-family and multi-family residential developments where both central water and central sewer are available.

(Ord. passed 11-2-2011)

§ 3.02.05 R-10 RESIDENTIAL DISTRICT.

The purpose of this district shall be to provide for single-family and multi-family residential developments where both central water and central sewer are available.

(Ord. passed 11-2-2011)

§ 3.05 - § 3.10

§ 3.07 ACTION BY THE PLANNING BOARD.

(A) Every proposed amendment, supplement, change, modification or repeal of this ordinance shall be referred to the Planning Board for its recommendation and written report to the Board of Aldermen.

(B) The following policy guidelines shall be followed by the Planning Board concerning zoning amendments and no proposed zoning amendment will receive favorable recommendation unless:

- ✓ (1) The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories;
- ✓ (2) There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group;
- ✓ (3) There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change (when a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved);
- ✓ (4) There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change; or
- (5) The proposed change is in accord with any land use plan and sound planning principles .

(Ord. passed 11-2-2011)

Table 5-1 Dimensional Requirements

<i>Zoning District</i>	<i>Minimum Lot Size</i>	<i>Front Yard Setback</i>	<i>Lot Width</i>	<i>Side Yard Setback</i>	<i>Side Yard on Corner</i>	<i>Rear Yard Setback</i>	<i>Building Height</i>	<i>Maximum Lot Coverage</i>
R-10 Single-family	10,000 sq. ft.	20'	60'	8'	15'	10'	48'	30%
Multi-family	plus 10,000 sq. ft. for each unit over 2	20'	60'	8'	15'	10'	48'	30%
R-8 Single-family	8,000 sq. ft.	20'	50'	8'	15'	10'	48'	30%
Multi-family	plus 8,000 sq. ft. for each unit over 2	20'	50'	8'	15'	10'	48'	30%
B-1	8,000 sq. ft. per building	20'	50'	8'	10'	10'	48'	30%

ATTACHMENTS (CIRCLE)

SUBMITTED PLANS
MB 30 P 20

APPLICATION FORM

RESPONSE TO
STANDARDS

LEGAL DESCRIPTION
Reference DB 5169 / 448

OTHER (DESCRIBE)

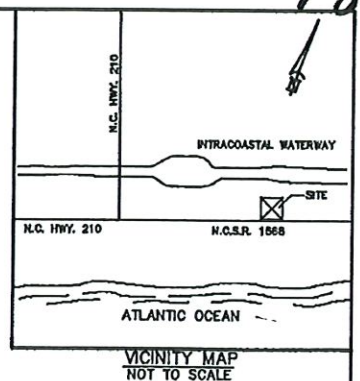
I, JOHN L. PIERCE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 21, PAGE 176, ETC.) (OTHER); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK 42, PAGE 111; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 12 DAY OF AUG, 1993.



SEAL
SURVEYOR
RUS-2596
REGISTRATION NUMBER

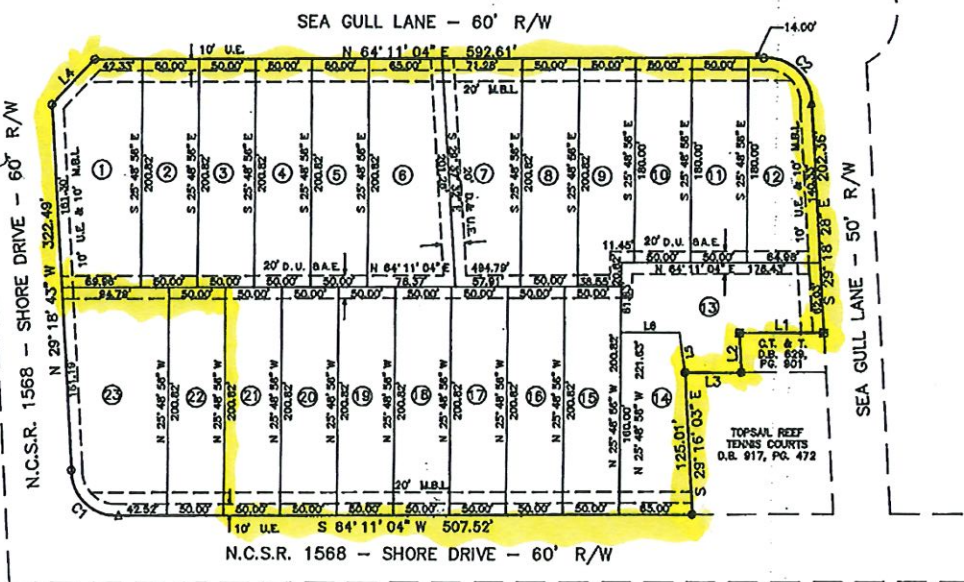
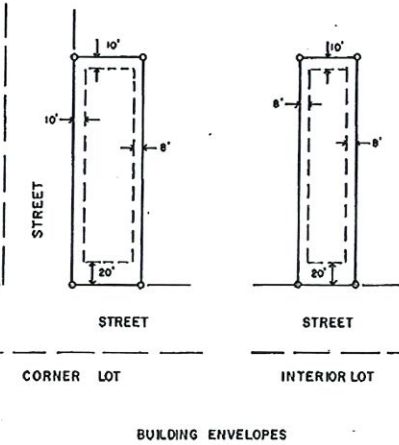
NORTH CAROLINA, ONSLOW COUNTY
I, A NOTARY PUBLIC OF THE COUNTY AND STATE AFORESAID, CERTIFY THAT JOHN L. PIERCE, A REGISTERED LAND SURVEYOR, PERSONALLY APPEARED BEFORE ME THIS DAY AND ACKNOWLEDGED THE EXECUTION OF THE FOREGOING INSTRUMENT.
WITNESS MY HAND AND OFFICIAL STAMP OR SEAL, THIS 12 DAY OF AUGUST, 1993.
SEAL OR STAMP
BETTY BULLOCK
NOTARY PUBLIC
MY COMMISSION EXPIRES DECEMBER 28, 1993.

NORTH CAROLINA, ONSLOW COUNTY
THE FOREGOING CERTIFICATE OF BETTY BULLOCK, NOTARY PUBLIC, IS CERTIFIED TO BE CORRECT. THIS INSTRUMENT WAS PRESENTED FOR REGISTRATION AND RECORDED IN BOOK 42, PAGE 111, SLIDE 4-266, THIS DAY OF DECEMBER, 1993 AT 2:00 O'CLOCK P.M.
MICHAEL M. ROMAN
REGISTER OF DEEDS



CERTIFICATE OF OWNERSHIP AND DEDICATION
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY SHOWN AND DESCRIBED HEREON, WHICH IS LOCATED IN THE SUBDIVISION JURISDICTION OF THE TOWN OF NORTH TOPSAIL BEACH AND THAT I HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY FREE CONSENT, ESTABLISH MINIMUM BUILDING SETBACK LINES, AND DEDICATE ALL STREETS, ALLEYS, WALKS, PARKS, AND OTHER SITES AND EASEMENTS TO PUBLIC OR PRIVATE USE AS NOTED.
12/22/93
DATE
William A. Smith
Katie C. Smith
OWNERS

CERTIFICATE OF APPROVAL FOR RECORDING
I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HEREON HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS OF THE TOWN OF NORTH TOPSAIL BEACH, NORTH CAROLINA, AND THAT THIS PLAT HAS BEEN APPROVED BY THE BOARD OF ALDERMEN FOR RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS OF ONSLOW COUNTY.
12-21-93
DATE
Sharon P. Smith
MAYOR
12/22/93 S.R. Doughty
Subdivision Administrator



LEGEND:
● = EXISTING IRON STAKE
○ = SET IRON STAKE
+ = PK NAIL
■ = EXISTING CONCRETE MONUMENT
D.& U.E. = DRAINAGE & UTILITY EASEMENT
M.B.L. = MINIMUM BUILDING LINE
U.E. = UTILITY EASEMENT
M.B. = MAP BOOK
D.B. = DEED BOOK
PG. = PAGE
R/W = RIGHT OF WAY
D.U.B.A.E. = DRAINAGE, UTILITY & ACCESS EASEMENT
NOTE: ALL UNMARKED CORNERS ARE SET IRON STAKES

NOTE:
NORTH TOPSAIL COMMUNITY PANEL # 370466 0005 A SHOWS THAT THIS PROPERTY IS LOCATED IN AN A4 ZONE WHERE FEDERAL FLOOD INSURANCE IS AVAILABLE.

I, JOHN L. PIERCE, REGISTERED LAND SURVEYOR NO. 2596, CERTIFY TO ONE OR MORE OF THE FOLLOWING AS INDICATED:
 A. THAT THIS PLAT IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND;
 B. THAT THIS PLAT IS OF A SURVEY THAT IS LOCATED IN SUCH PORTION OF A COUNTY OR MUNICIPALITY THAT IS UNREGULATED AS TO AN ORDINANCE THAT REGULATES PARCELS OF LAND;
 C. THAT THIS PLAT IS OF A SURVEY OF AN EXISTING PARCEL OR PARCELS OF LAND;
 D. THAT THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT-ORDERED SURVEY OR OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION;
 E. THAT THE INFORMATION AVAILABLE TO THE REGISTER OF DEEDS IS SUCH THAT I AM UNABLE TO MAKE A DETERMINATION AS TO THE BEST OF MY PROFESSIONAL ABILITY AS TO WHICH OF THE ABOVE (A) THROUGH (D) ABOVE.
JOHN L. PIERCE, REGISTERED LAND SURVEYOR NO. 2596

CURVE	DELTA	RADIUS	ARC	CHORD	TANGENT	CHORD BRG
1	86°30'13"	42.52'	64.19'	58.27'	40.00'	S 72°33'50" E
2	86°30'28"	42.52'	64.20'	58.27'	40.00'	N 72°33'42" W

LINE	BEARING	DISTANCE
1	S 64°11'23" W	74.83'
2	S 29°19'36" E	34.94'
3	S 64°06'02" W	50.05'
4	N 17°28'09" E	64.67'
5	S 34°38'55" E	35.84'
6	N 64°11'04" E	52.00'

TRACT DATA:
TOTAL AREA - 5.75 AC.
NUMBER OF LOTS - 23
MINIMUM LOT SIZE - 8000 SQ. FT.
ZONING - B-1

OWNER:
WILLIAM A. SMITH & WIFE KATIE C. SMITH
2013 CINDY LANE
CLAYTON, NC
PHONE: 919-553-4120

FINAL PLAT
PROPERTY OF
WILLIAM A. SMITH & KATIE C. SMITH
STUMP SOUND TOWNSHIP, ONSLOW COUNTY, NC
PREPARED BY
JOHN L. PIERCE - SURVEYING
409 JOHNSON BLVD. JACKSONVILLE, NC 28540
PHONE: 919-346-9800 DATE: JULY 16, 1993
SCALE: 1" = 100' F.B. 209, PG. 44 + JOB #930978
100 50 0 100 200 300
SCALE IN FEET

REV: AUG. 12, 1993; DEC. 22, 1993



Town of North Topsail Beach

ZONING MAP AMENDMENT

Tracking Information (Staff Only)

Case Number: R- 21-01

Date/Time rec'd:

Rec'd by: DJH

About this Application

ONLY COMPLETE APPLICATIONS CAN BE ACCEPTED

Rezoning requests are heard by the Planning Board, then the Board of Aldermen, as a legislative public hearing.

Submittal: Planning Director will inform applicant of dates for Planning Board and Board of Aldermen public hearing upon receipt of a complete application. Applications should be submitted in-person, and fees are due at time of submittal.

Attendance at the hearing is required. Applicants may represent themselves or may be represented by someone appropriate for legislative public hearings. The applicant has the burden of proof and must provide sufficient evidence in order for the required findings to be made. The public hearing will allow the applicant, proponents, opponents and anyone else the opportunity to speak and ask questions in regards to the request. An application may be approved, approved with conditions, continued for more information, or denied.

Contact Information: If you have any questions, please contact the Planning Department at (910) 328-1349 ext 27 between 8:00 a.m. and 5:00 p.m. on weekdays.

Required Application Attachments

Applicant Initial

Staff Initial

Fee (Check No. _____/Receipt No. _____)

Completed application and responses: ORIGINAL signatures required

PLOT PLAN (full size)

10 copies for Planning Board; 10 copies for Board of Aldermen

Site Address: Seagull Lane & Shore Drive

PIN(s): 429811655843000

Zoning District(s) : B-1

Overlay District(s):

Tax Map #: 778C-169.4

Requested Zoning District: R-8

Property Owner

Name(s) (Print): Joe Rodriguez

Telephone: 910-389-8625

Contact Person: Charles A. Rawls, PLS

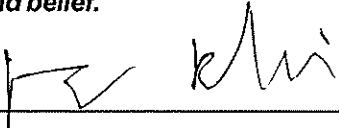
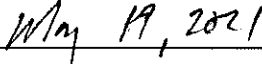
Email: charlesarawls@gmail.com

Handwritten signature of Joe Rodriguez

05/07/2021

Owner Signature

Date May 19, 2021

Applicant	
Name(s): Joe Rodriguez	
Contact Person: Charles A. Rawls, PLS	Telephone: 910-389-8625
Address: PO Box 1126	Fax: 910-326-1400
City/State/ZIP: Swansboro, NC 28584	Email: charlesarawls@gmail.com
<i>I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief.</i>	
 _____ Applicant Signature	 _____ Date
Agent (if different than applicant)	
Name:	
Contact Person:	Telephone:
Address:	Fax:
City/State/ZIP:	Email:

STATEMENT OF JUSTIFICATION (Responses to UDO § 3.07 general findings)

Finding #1: The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.

Statement by Applicant: This property is primarily Residential by its surrounding properties. The properties to the North, East, and West are Currently developed as Single Family Homes and the property to the South is developed as Multifamily. The 2 adjacent lots to the southwest are The only property currently used as commercial development.

Finding #2: There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.

Statement by Applicant: After examining the Federal Flood maps and classification for this property we found that commercial development is not a feasible option. The highest existing ground elevation is substantially below Base Flood and structural fill is not an option. Therefore, residential development development of elevated structures is the Only viable alternative. This would blend aesthetically with The surrounding properties.

Finding #3: There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.)

Statement by Applicant: The unified Development Ordinance states that Single and Multifamily development are the only uses permitted in The R8 zone. The development of this property is intended to be either single family or possibly Duplex development of each lot. This is In keeping with the current use of the surrounding property except for the TIKI Bar on the southwest corner.

Finding #4: There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.

Statement by Applicant: As stated in Finding #3 above this is primarily a Residential neighborhood and the development of this property into Single family and Duplex Lots will have no adverse effect on the neighborhood.

Finding #5: The proposed change is in accord with any land use plan and sound planning principles.

Statement by Applicant: The Land use plan shows the Future use of this property as Mixed Use Business. As stated in Finding #2 the Current Federal Flood Ordinance and Local ordinance precludes a feasible commercial development of this property. Therefore a more Residential approach of development of this property is the only avenue in keeping with the surrounding neighborhood.

STAFF REPORT CONTACT INFORMATION

Deborah J. Hill MPA AICP CFM CZO Planning Director

910.328.1349

dhill@ntbnc.org

DOCKET/CASE/APPLICATION NUMBER
CASE R-21-02

APPLICANT/PROPERTY OWNER
Charles Riggs/Herring Sisters

PUBLIC HEARING DATE
7-1-21

PROPERTY ADDRESS/LOCATION
323 GOLDSBORO LN 774-22

BRIEF SUMMARY OF REQUEST

On behalf of his clients Herring Sisters, Charles Riggs is requesting a rezoning of 323 GOLDSBORO LN 774-22, unrecorded plat, from R-10 to R-5.



MAP SOURCE: Onslow County GIS with Zoning layer

EXISTING ZONING	EXISTING LAND USE	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
R-10	vacant	N R10 VACANT E R10 SF W G'BORO LN/R-10 TOPSAIL WYNDS duplexes S R-10 vacant and Atl Ocean	none	+/- 5,593 sq ft

6-10-21, PLANNING BOARD RECOMMENDATION, 7-0

APPROVE

APPROVE WITH CONDITIONS

DENY

COMPATIBILITY with the COMPREHENSIVE PLAN

- CAMA LUP 2021 Map 12b. Future Land Use classification: Medium Density Residential.
- Reference Page 6-1; Requests for zoning changes should not be approved if the requested change will result in spot zoning.
- Ref Page 4-16: R-5 is considered "generally consistent with" Low- to Medium-Density Residential.
- Ref 5-9 P.9 Although this policy reflects support for medium density development, the Town will not rezone any property to a density less than R-10 (10,000 square feet).

PROPERTY HISTORY

- 774-22 was a lot from 1973 based on db 434 pg 214, then in 1989 they add .04 acre to their existing lot. Onslow County is looking because it does not sure that the small .04 got conveyed on newer deeds.
- 1982 Zoning Map indicated R-20 zoning despite obvious nonconformity with R-20 zoning (not sound planning principles). 1997-98 C Riggs plats indicate R-20 zoning on adjacent lots.
- April 12, 2007, PB unanimously denied #R-07-03 through #R-07-08 on Goldsboro Lane. June 7, 2007, BOA unanimously denied #R-07-03 through #R-07-08.
- CBRS Area as of 10/1/1983. Flood zone: AE 12.

COMPATIBILITY with the ZONING ORDINANCE

§ 2.06.01 TEXT AND MAP AMENDMENT (procedures).

§ 3.02.07 R-5 MULTI-FAMILY RESIDENTIAL.

The purpose of this district shall be to provide for single-family and multi-family residential developments where both central water and central sewer are available.

(Ord. passed 11-2-2011)§ 3.05 - § 3.10

§ 3.07 ACTION BY THE PLANNING BOARD.

(A) Every proposed amendment, supplement, change, modification or repeal of this ordinance shall be referred to the Planning Board for its recommendation and written report to the Board of Aldermen.

(B) The following policy guidelines shall be followed by the Planning Board concerning zoning amendments and no proposed zoning amendment will receive favorable recommendation unless:

- (1) The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories; **The surrounding properties are within the Residential-10 (R-10); reference David Owen’s “Spot Zoning” dated April 2020 included in supplemental materials.**
- (2) There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group;
- (3) There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change (when a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved);
- (4) There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change; or
- (5) The proposed change is in accord with any land use plan and sound planning principles. **774-22 was a lot from 1973 based on db 434 pg 214.**

(Ord. passed 11-2-2011)

Table 5-1 Dimensional Requirements

<i>Zoning District</i>	<i>Minimum Lot Size</i>	<i>Front Yard Setback</i>	<i>Lot Width</i>	<i>Side Yard Setback</i>	<i>Side Yard on Corner</i>	<i>Rear Yard Setback</i>	<i>Building Height</i>	<i>Maximum Lot Coverage</i>
R-5 Single-family	5,000 sq. ft.	20'	50'	8'	15'	10'	48'	30%
Multi-family	plus 5,000 sq. ft. for each unit over 2	20'	50'	8'	15'	10'	48'	30%

ATTACHMENTS (CIRCLE)

SUBMITTED PLANS
MB 30 P 20

APPLICATION FORM

RESPONSE TO
STANDARDS

LEGAL DESCRIPTION
Reference DB 2172 P 224

OTHER (DESCRIBE)

I, CHARLES FRANCIS RIGGS, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY AS SHOWN HEREON IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA. THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS: 1:10,000+

CHARLES FRANCIS RIGGS P.L.S. L-298T

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE "AE" (EL=12.0'+2') WHICH IS A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND THE NATIONAL FLOOD INSURANCE PROGRAM. COMMUNITY PANEL NUMBER 370466 3720428700K, JUNE 19, 2020

NOW OR FORMERLY POWERS
D.B. 4338, P. 176
ZONED R-10
VACANT

NOW OR FORMERLY BB&T
D.B. 2367, P. 515
D.B. 2507, P. 217
M.B. 44, P. 106
ZONED R-10
VACANT

NOW OR FORMERLY LONGO
D.B. 4788, P. 470
ZONED R-10
RESIDENTIAL

NOW OR FORMERLY BEST
D.B. 1587, P. 673
ZONED R-10
VACANT

NOW OR FORMERLY JR MUSGRAVE, INC.
D.B. 414, P. 307
ZONED R-10
VACANT

NOW OR FORMERLY STANLEY
D.B. 4815, P. 146
ZONED R-10
RESIDENTIAL

NEW RIVER INLET ROAD - N.C.S.R. 1568
(60' R/W ASPHALT-PUBLIC)

GOLDSBORO LANE
30' R/W (ASPHALT-PUBLIC)

GOLDSBORO LANE
60' R/W (ASPHALT-PUBLIC)

ATLANTIC OCEAN

CURRENT ZONE R-10 ZONING SETBACKS	REQUESTED ZONE R-5 ZONING SETBACKS
FRONT = 20'	FRONT = 20'
REAR = 10'	REAR = 10'
SIDE = 8'	SIDE = 8'
SIDE STREET = 15'	SIDE STREET = 15'

OWNERS
HERRING SISTERS, LLC

TITLE SOURCE
D.B. 2172, P. 224

TAX MAP #
774-22

REFERENCES
D.B. 414, P. 307
D.B. 1587, P. 673
D.B. 2172, P. 224
D.B. 2367, P. 515
D.B. 2507, P. 217
D.B. 4338, P. 176
D.B. 4788, P. 470
D.B. 4815, P. 146
M.B. 44, P. 106
M.B. 46, P. 176

ALL POINTS NON MONUMENTED UNLESS OTHERWISE NOTED

- LEGEND
- CC = CONTROL CORNER
 - ECM = EXISTING CONCRETE MONUMENT (FOUND)(CONTROL CORNER)
 - EIP = EXISTING IRON PIPE (FOUND)
 - EIR = EXISTING IRON ROD (FOUND)
 - EMN = EXISTING MAGNETIC NAIL (FOUND)(CONTROL CORNER)
 - EPK = EXISTING PARKER-KALON NAIL (FOUND)(CONTROL CORNER)
 - ERRS = EXISTING RAILROAD SPIKE (FOUND)
 - MBL = MINIMUM BUILDING LINE
 - NMP = NON MONUMENTED POINT
 - R/W = RIGHT OF WAY
 - SCM = SET CONCRETE MONUMENT (CONTROL CORNER)
 - SIP = SET IRON PIPE
 - SIR = SET IRON ROD
 - SMN = SET MAGNETIC NAIL (CONTROL CORNER)
 - SPK = SET PARKER-KALON NAIL (CONTROL CORNER)
 - ☉ = CENTERLINE
 - ⊕ = WATER METER
 - ⊕ = FIRE HYDRANT
 - ⊕ = WATER VALVE
 - ⊕ = SANITARY SEWER MANHOLE
 - ⊕ = CLEAN OUT
 - ⊕ = TELEPHONE PEDESTAL
 - ⊕ = TELEVISION PEDESTAL
 - ⊕ = FIBER OPTIC CABLE MARKER
 - ⊕ = LIGHT POLE
 - ⊕ = POWER POLE
 - ⊕ = POWER LINE
 - ⊕ = ELECTRIC TRANSFORMER
 - ×1.5' = EXISTING SPOT ELEVATION

GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

ACTUAL FIELD SURVEY DATE: OCTOBER 31, 2006
MAPPING DATE: MAY 5, 2021
FIELD BOOK: IND, PAGE: 3
PROJECT NUMBER: 18-01-37

PRELIMINARY PLAT
NOT FOR RECORDATION,
CONVEYANCES OR SALES

S:\2018\18-01-37 Herring Sisters, LLC\CAD\Drawings\18-01-37 ZONE.dwg - Thursday, May 06, 2021 8:01:01 AM

CHARLES F. RIGGS & ASSOCIATES, INC. (C-730)

LAND SURVEYING - CONVENTIONAL & GLOBAL POSITIONING SYSTEMS,
LAND PLANNING & COMPUTER MAPPING

502 NEW BRIDGE STREET
P.O. BOX 1570
JACKSONVILLE, NC 28540-1570
TELEPHONE: (910) 455-0877

LANDFALL EXECUTIVE SUITES
1213 CULBRETH DRIVE
WILMINGTON, NC 28405
TELEPHONE: (910) 681-7444
E-MAIL: riggsland@riggslandnc.com

REQUEST REZONE FROM R-10 TO R-5

FOR

HERRING SISTERS, LLC

5587 Sq.Ft. TRACT AS PER D.B. 2172, P. 244
STUMP SOUND TOWNSHIP, ONSLOW COUNTY, NORTH CAROLINA
HERRING SISTERS, LLC, OWNERS, D.B. 2172, P. 244
GOLDSBORO LANE

CHARLES F. RIGGS & ASSOCIATES, INC.

Land Surveyors

Charles F. Riggs, P.L.S. L-2981
502 New Bridge Street
Jacksonville, North Carolina 28540
(910) 455-0877
charlesriggs@riggslandnc.com

Corporate License (C-730)
502 New Bridge Street
P.O. Box 1570
Jacksonville, North Carolina 28541
(910) 455-0877

James A. Lewis, P.L.S. L-4562
Landfall Executive Suites
1213 Culbreth Drive
Wilmington, North Carolina 28405
(910) 681-7444
jameslewis@riggslandnc.com

June 2, 2021

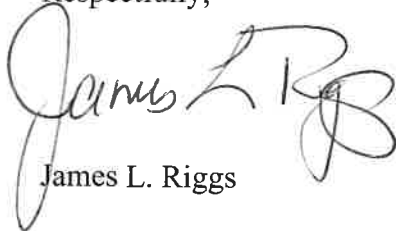
Ms. Deborah Hill
Planning Director
Town of North Topsail Beach
1000 N. C. Highway 210
Sneads Ferry, NC 28460

Re: Herring Sisters, LLC
Goldsboro Lane
5,587 Sq. Ft. Tract as per D. B. 2172, P. 244
Stump Sound Township, Onslow County, North Carolina

Dear Ms. Hill:

Please find enclosed the following: the rezone application with the questions and answers, a tax map of the property, the property deed, the corporation page, the client's authorization, and one print of the preliminary map, along with the \$400 check for submittal of the above referenced project for the next North Topsail Beach Planning Board meeting.

Respectfully,



James L. Riggs



Town of North Topsail Beach

ZONING MAP AMENDMENT

Tracking Information (Staff Only)

Case Number: R-	Date/Time rec'd:	Rec'd by:
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About this Application

ONLY COMPLETE APPLICATIONS CAN BE ACCEPTED

Rezoning requests are heard by the Planning Board, then the Board of Aldermen, as a legislative public hearing.

Submittal: Planning Director will inform applicant of dates for Planning Board and Board of Aldermen public hearing upon receipt of a complete application. Applications should be submitted in-person, and fees are due at time of submittal.

Attendance at the hearing is required. Applicants may represent themselves or may be represented by someone appropriate for legislative public hearings. The applicant has the burden of proof and must provide sufficient evidence in order for the required findings to be made. The public hearing will allow the applicant, proponents, opponents and anyone else the opportunity to speak and ask questions in regards to the request. An application may be approved, approved with conditions, continued for more information, or denied.

Contact Information: If you have any questions, please contact the Planning Department at (910) 328-1349 ext 27 between 8:00 a.m. and 5:00 p.m. on weekdays.

Required Application Attachments

Applicant Initial

Staff Initial

Fee (Check No. _____ /Receipt No. _____)

Completed application and responses: ORIGINAL signatures required

PLOT PLAN (full size)

10 copies for Planning Board; 10 copies for Board of Aldermen

Site Address: 323 Goldsboro Lane

PIN(s): 020535

Zoning District(s): R-10

Overlay District(s):

Tax Map #: 774-22

Requested Zoning District: R-5

Property Owner

Name(s) (Print): Herring Sisters, LLC

Telephone: 336-782-8071

Contact Person: Patricia DeForest

Email: riggsland@riggslandnc.com

Handwritten signature of Patricia DeForest

Owner Signature

02/02/21 Date

Applicant

Name(s): Herring Sisters, LLC	
Contact Person: Patricia DeForest	Telephone: 336-782-8071
Address: 317 Grasshopper Circle	Fax: N/A
City/State/ZIP: Mooresville, NC 28117-6615	Email: riggsland@riggslandnc.com

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief.


Applicant Signature

06/02/21
Date

Agent (if different than applicant)

Name: Charles F. Riggs & Associates, Inc.	
Contact Person: Charles F. Riggs	Telephone: 910-455-0877
Address: P. O. Box 1570	Fax: N/A
City/State/ZIP: Jacksonville, NC 28541	Email: riggsland@riggslandnc.com

STATEMENT OF JUSTIFICATION (Responses to UDO § 3.07 general findings)

Finding #1: The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.

Statement by Applicant:

Finding #2: There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.

Statement by Applicant:

Finding #3: There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.)

Statement by Applicant:

Finding #4: There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.

Statement by Applicant:

Finding #5: The proposed change is in accord with any land use plan and sound planning principles.

Statement by Applicant:

CHARLES F. RIGGS & ASSOCIATES, INC.

Land Surveyors

Charles F. Riggs, P.L.S. L-2981
502 New Bridge Street
Jacksonville, North Carolina 28540
(910) 455-0877
charlesriggs@riggslandnc.com

Corporate License (C-730)
502 New Bridge Street
P.O. Box 1570
Jacksonville, North Carolina 28541
(910) 455-0877

James A. Lewis, P.L.S. L-4562
Landfall Executive Suite 217
1213 Culbreth Drive
Wilmington, North Carolina 28405
(910) 681-7444
jameslewis@riggslandnc.com

May 12, 2021

1. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.

The adjacent properties are all zoned R-10, however, this zone is inappropriate for this area since the majority of the properties do not meet the minimum area requirement of 10,000 square feet. The Future Land Use Plan does illustrate this property as Medium Density Residential and the requested zone of R-5 would be compatible with both the Requested Zone and the Future Land Use Plan.

2. There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of an individual or small group.

The uses allowed and the setbacks required within both the existing R-10 and the requested R-5 are identical with the exception of the lot width of R-10 which is 60' and R-5 is 50'. This lot has a lot width of at least 65.81 feet. This rezone request will bring the lot within compliance with the Town ordinances and therefore this request would be in the general public interest and not merely the property owners.

3. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.

The uses allowed and the setbacks required within both the existing R-10 and the requested R-5 are identical with the exception of the lot width of R-10 which is 60' and R-5 is 50'. This lot has a lot width of at least 65.81 feet. This rezone request will bring the lot within compliance with the Town ordinances and therefore this request would be in the general public interest and not merely the property owners.

4. There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.

Since the uses of R-10 and R-5 are identical, the character of the neighborhood would not be materially and adversely affected. This rezone would allow use of the property. As it stands today the property owner cannot construct a dwelling due to the area noncompliance.

5. The proposed change is in accord with any land use plan and sound planning principles.

The Future Land Use Plan illustrates this area as Medium Density Residential which does include both R-10 and R-5. Proper planning would rezone the entire neighborhood from R-10 to R-5 to bring the entire neighborhood into compliance.

Parcel ID 020535 **Map Number** 774-22

Owner Name HERRING SISTERS LLC **Owner Mailing Address** 317 GRASSHOPPER CIR MOORESVILLE NC 28117-6615



General Information

Acres	0.00	Property Description	NEW RIVER INLET RD
Physical Address	323 GOLDSBORO LN	Subdivision	NO SUBDIVISION RECORDED
Neighborhood Code	3043	City Limit	NORTH TOPSAIL BEACH
Plat Book & Page	NO-SUBDIV	NC PIN	428706385320
Township	STUMP SOUND	Improvement Code	V
Building Value	\$0.00	Land Value	\$5,000.00
Assessed Value	\$5,000.00	Total Taxed Value	\$5,000.00
Heated Square Feet		Year Built	
Number of Bedrooms			

Last Sale

Date	Price	Book	Page
30-DEC-03	\$0.00	2172	224



Onslow County
Geographical Information
Services-GIS
234 NW Corridor Blvd.
Jacksonville, NC 28540

WARNING: THIS IS NOT A SURVEY.

This map is prepared for the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map are hereby notified that the aforementioned public primary information sources should be consulted for verification of the information contained on this map. The County and mapping company assume no legal responsibility for the information contained on this map.

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23
with hook 11.00

2003 DEC 30 AM 9: 20

No Revenue
HJE

STATE OF NORTH CAROLINA
COUNTY OF ONSLOW

DEED

THIS DEED, made and entered into this the 12 day of December, 2003, by and between REBEKAH HERRING HASLETT and husband, JOHN ROBERT HASLETT, III, and PATRICIA HERRING DEFOREST and husband, ALBERT JEAN DEFOREST, III, parties of the first part, and HERRING SISTERS, LLC, a North Carolina limited liability company whose address is 2836 Fairmont Road, Winston Salem, North Carolina 27106, party of the second part;

WITNESSETH:

That the said parties of the first part, for and in consideration of the sum of Ten Dollars (\$10.00) and other valuable consideration paid by the said party of the second part, the receipt of which is hereby acknowledged, have bargained and sold and by these presents do bargain, sell and convey to the party of the second part, its successors and assigns, those certain tracts or parcels of land, situated in Stump Sound Township, Onslow County, North Carolina, and more particularly described as follows:

TRACT ONE: BEGINNING at a stake, the Northeast corner of Lot No. 7 of the P & D Corporation land as platted and surveyed by William J. Outlaw, Surveyor, on February 24, 1960, and runs thence South 66° West 60 feet to a stake; thence South 3° West approximately 300 feet to the shore line of Onslow Bay on the Atlantic Ocean; thence North 66° East and along the shore line of Onslow Bay 60 feet to a stake; thence North 3° East approximately 300 feet to the point of beginning, and being Lot No. 7 of the P & D Corporation land, a plat of which is recorded in the Onslow County, North Carolina, Register of Deeds Office, reference to which is hereby made for a more complete description.

EXCEPTING, HOWEVER, from the above legal description, the following:

BEGINNING at a point North 66° East 442.5 feet from a stake, said point being at the Southern edge of N.C. Highway #50 and in the Northeastern corner of the Paul Herring lot and thence South 3° West approximately 85 feet to a stake

Prepared By: L. E. (Trey) Taylor III, Attorney at Law

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- 2 -

in the Sand Banks; thence continuing South 3° West 100 feet to a stake on the shore line of Onslow Bay; thence North 66° East 60 feet to an iron stake; thence North 3° East 100 feet to an iron stake on the Sand Banks; thence continuing North 3° East approximately 85 feet to the Southern edge of the right of way of N.C. Highway #50; thence South 66° West 60 feet along the Southern edge of the right of way of N.C. Highway #50 to the point of beginning, and being that portion of Lot No. 7 lying East of N.C. Highway #50 as described in a map of lots surveyed for The P. & D. Corporation on Topsail Island, Stump Sound Township, Onslow County, North Carolina on February 24, 1960, by W. J. Outlaw, Registered Surveyor; and being a part of the property described in the deed recorded in Book 210, Page 468, Onslow County Registry. And being a portion of the property conveyed from The P. & D. Corporation to L. O. Barlett, Jr. and wife, Carolyn L. Bartlett, by deed dated April 6, 1960, recorded in Book 292, Page 644, Onslow County Registry. And being the same property conveyed from L. O. Bartlett, Jr. and wife, Carolyn L. Bartlett, to Leonard B. Teachey and wife, Nellie Rose Teachey, by deed dated June 12, 1971, and recorded in the Office of the Register of Deeds of Onslow County, North Carolina.

And being the same lot or parcel of land conveyed to W. Paul Herring and wife, Joyce P. Herring, by Deed dated November 27, 1972 and recorded in Book 821, Page 353 of the Onslow County Registry. The said W. Paul Herring died on July 11, 1991, leaving his said wife, Joyce P. Herring, surviving him. The said Joyce P. Herring remarried on April 27, 1996 and changed her name to Joyce P. Webber. See Qualified Personal Residence Trust Agreement between Joyce P. Webber as Grantor and James Harold Webber as Trustee dated June 3, 1999 and recorded in Book 1553, Page 789 of the Onslow County Registry. The said Joyce P. Webber died on February 7, 2003, causing the trust to terminate and the subject property to be distributed to the Estate of Joyce P. Webber, Deceased. See Last Will and Testament and Certificate of Probate for Joyce Pate Webber filed in Onslow County File No. 2003 E 351.

TRACT TWO: BEGINNING at a point located in the center of Surf City-New River Inlet Road, which is located N. 66 deg. E. 382.5 feet from a stake, the southwest corner of the property described in a Deed in Book 210, Page 648 of the Onslow County Registry, and thence from this point N. 3 deg. E. 100 feet to a stake; N. 66 deg. E. 60 feet to a stake; thence S. 3 deg. W. 100 feet to a point located in the center of Surf City-New River Inlet Road; thence S. 66 deg. W. and down the center of said Surf City-New River Inlet Road 60 feet to the point of beginning, and being a lot located on the northern side of Surf City-New River Inlet Road 60 x 100 feet and being all of the land located on the northern side of Surf City-New River Inlet Road, which is described in a Deed from P & D Corporation to W. Paul Herring, et. al., and recorded in the Office of the Register of Deeds for Onslow County, North Carolina, in Book 292, Page 54, reference to which is hereby made. And being the same property conveyed to Joyce P. Webber by Deed dated January 31, 2000 and recorded in Book 1617, Page 544 of the Onslow County Registry. And being the same property conveyed from Joyce P. Webber and husband, Harold Webber, to Albert Jean DeForest, III and John Robert Haslett, III by Deed of Gift dated December 30, 2002 which shall be found duly recorded in the Onslow County Registry.

This conveyance is made subject to all restrictions and easements, if any, appearing of record in the chain of title.

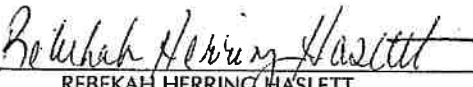
BOOK 2172 PAGE 226

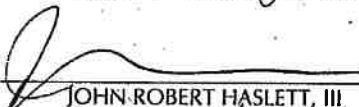
- 3 -

TO HAVE AND TO HOLD the aforesaid tracts or parcels of land and all privileges and appurtenances thereto belonging to the said party of the second part, its successors and assigns, to their only use and behoof forever.

And the said parties of the first part covenant for themselves, their heirs, executors, administrators and assigns, to and with the said party of the second part, its successors and assigns, that they are seized of said premises in fee and have the right to convey the same in fee simple; that the same are free and clear of all encumbrances, except as noted above; and that they will warrant and defend the title to the same against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals, this the day and year first above written.


REBEKAH HERRING HASLETT (SEAL)


JOHN ROBERT HASLETT, III (SEAL)


PATRICIA HERRING DEFOREST (SEAL)


ALBERT JEAN DEFOREST, III (SEAL)

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- 4 -

STATE OF NORTH CAROLINA

COUNTY OF WAKE

I, R.G. Williams, a Notary Public in and for said State and County, do hereby certify that REBEKAH HERRING HASLETT and husband, JOHN ROBERT HASLETT, III, each personally appeared before me this day and executed the foregoing and annexed instrument for the purposes therein expressed.

WITNESS my hand and official seal, this 12th day of ~~July~~ ^{December} 2003 ^{6th}.

R.G. Williams
Notary Public

My commission expires:

3-13-07



STATE OF NORTH CAROLINA

COUNTY OF FORSYTH

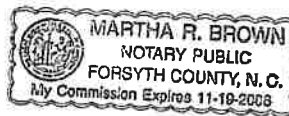
I, Martha R. Brown, a Notary Public in and for said State and County, do hereby certify that PATRICIA HERRING DEFOREST and husband, ALBERT JEAN DEFOREST, III each personally appeared before me this day and executed the foregoing and annexed instrument for the purposes therein expressed.

WITNESS my hand and official seal, this 15th day of December, 2003.

Martha R. Brown
Notary Public

My commission expires:

11-19-2006



123 DEC 20 11 09 20

NORTH CAROLINA, ONSLOW COUNTY Martha R. Brown / R.G. Williams
The foregoing certificate(s) of _____

Notary(ies) Public is (are) certified to be correct. This instrument was presented for registration and recorded in this office in
Book 2172 Page 224 This 30 day of December
2003, A.D., at 9:20 o'clock A.M.
Michael A. Thomas By _____
Register of Deeds, Onslow County Register of Deeds



LIMITED LIABILITY COMPANY ANNUAL REPORT

NAME OF LIMITED LIABILITY COMPANY: Herring Sisters, LLC

SECRETARY OF STATE ID NUMBER: 0696792 STATE OF FORMATION: NC

REPORT FOR THE CALENDAR YEAR: 2021

Filing Office Use Only
E - Filed Annual Report
0696792
Changes

SECTION A: REGISTERED AGENT'S INFORMATION

1. NAME OF REGISTERED AGENT: De Forest, Patricia Herring

2. SIGNATURE OF THE NEW REGISTERED AGENT:
SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

3. REGISTERED AGENT OFFICE STREET ADDRESS & COUNTY 4. REGISTERED AGENT OFFICE MAILING ADDRESS
317 Grasshopper Circle 317 Grasshopper Circle
Mooresville, NC 28117 Iredell County Mooresville, NC 28117

SECTION B: PRINCIPAL OFFICE INFORMATION

1. DESCRIPTION OF NATURE OF BUSINESS: Rental Real Estate

2. PRINCIPAL OFFICE PHONE NUMBER: (336) 782-8071 3. PRINCIPAL OFFICE EMAIL: Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS 5. PRINCIPAL OFFICE MAILING ADDRESS
317 Grasshopper Circle 317 Grasshopper Circle
Mooresville, NC 28117 Mooresville, NC 28117

- 6. Select one of the following if applicable. (Optional see instructions)
The company is a veteran-owned small business
The company is a service-disabled veteran-owned small business

SECTION C: COMPANY OFFICIALS (Enter additional company officials in Section E.)

NAME: Rebekah Herring Haslett NAME: Patricia Herring Deforest NAME:
TITLE: Manager TITLE: Manager TITLE:
ADDRESS: ADDRESS: ADDRESS:
6560 Wakefalls Drive 836 Oak St., Suite 303
Wake Forest, NC 27587 Winston-salem, NC 27101

SECTION D: CERTIFICATION OF ANNUAL REPORT. Section D must be completed in its entirety by a person/business entity.

Patricia Herring Deforest 4/20/2021
SIGNATURE DATE

Form must be signed by a Company Official listed under Section C of This form.

Patricia Herring Deforest Manager
Print or Type Name of Company Official Print or Type Title of Company Official

This Annual Report has been filed electronically.
MAIL TO: Secretary of State, Business Registration Division, Post Office Box 29525, Raleigh, NC 27626-0525

CHARLES F. RIGGS & ASSOCIATES, INC.

Charles F. Riggs, P.L.S. L-2981
502 New Bridge Street
Jacksonville, North Carolina 28540
(910) 455-0877
charlesriggs@riggslandnc.com

Land Surveyors
Corporate License (C-730)
502 New Bridge Street
P.O. Box 1570
Jacksonville, North Carolina 28541
(910) 455-0877
E-MAIL: riggsland@riggslandnc.com

James A. Lewis, P.L.S. L-4562
Landfall Executive Suites
1213 Culbreth Drive
Wilmington, North Carolina 28405
(910) 681-7444
jameslewis@riggslandnc.com

To whom it may concern:

Property Legal Description:

Parcel IDs: 774-22
Street Address: 323 Goldsboro Lane, North Topsail Beach
Subdivision: N/A
County: Onslow

Please Print:

Property Owner (Title, if applicable): Herring Sisters, LLC

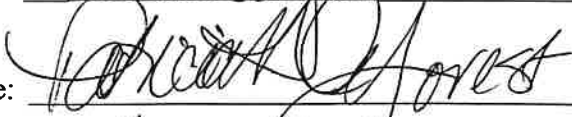
The undersigned, registered property owners of the above noted property, do hereby authorize Charles F. Riggs and Associates, Inc. and the employees thereof, to act on my behalf as my agent and take all actions necessary for processing, issuance and acceptance of any permit, certification, or approval and all standard and special conditions attached, if any.

Address: 317 Grasshopper Circle, Mooresville, NC 28117-6615

Telephone Number: (336) 782-8071

Facsimile Number: N/A

Email Address: triciadeforest@gmail.com

Authorized Signature:  Date: 5/11/21
Herring Sisters LLC

Spot Zoning

David W. Owens

April, 2020

Case summary(ies)

As a general rule, legislative decisions regarding zoning—decisions to adopt, amend, or repeal a zoning ordinance—are presumed to be valid, and the judiciary largely defers to the judgment of local elected officials on such matters.

Summary:

April 2020

ARTICLE 1. Legal Basis for Stricter Scrutiny

As a general rule, legislative decisions regarding zoning—decisions to adopt, amend, or repeal a zoning ordinance—are presumed to be valid, and the judiciary largely defers to the judgment of local elected officials on such matters.^[1]

A key question in land use law is whether this presumption of validity should continue to apply when a rezoning affects only a single parcel or a very small area. Local elected officials and courts around the country have struggled with the question of how the law should treat such small-scale rezonings. While a rezoning is typically characterized as legislative in nature, the practical reality is that when the policy choice is adopted for an individual parcel, the decision often does not have the broad policy implications or public interest and oversight that is more commonly associated with legislative decisions.

As a result, several states have ruled that spot zoning is more appropriately characterized as a quasi-judicial instead of a legislative decision. A larger number of states have considered and rejected this approach, holding even small-scale rezonings are legislative in nature.

The North Carolina courts have refused to characterize small-scale rezonings as quasi-judicial.^[2] However, stricter judicial scrutiny is given to rezonings that affect a small geographic area or a small number of landowners than is given to rezonings implicating broad public-policy issues. Heightened judicial review of spot zoning is founded on state constitutional prohibitions against the granting of exclusive privileges,^[3] the creation of monopolies,^[4] and the violation of due process or equal protection of the law.^[5]

The North Carolina cases speak primarily to substantive due-process concerns with spot zoning.^[6] This is consistent with long-standing doctrine that the police power must be exercised in the interest of the public overall.^[7]

The North Carolina courts have held that spot zoning must not be arbitrary or capricious.^[8] In *Blades v. City of Raleigh*, the court emphasized the need for a reasonable basis to justify spot zoning largely in terms of effects on neighboring properties:

The whole concept of zoning implies a restriction upon the owner's right to use a specific tract for a use profitable to him but detrimental to the value of other properties in the area, thus promoting the most appropriate use of land throughout the municipality, considered as a

whole. The police power, upon which zoning ordinances must rest, permits such restriction upon the right of the owner of a specific tract, when the legislative body has reasonable basis to believe that it will promote the general welfare by conserving the values of other properties and encouraging the most appropriate use thereof.^[9]

In its most comprehensive review of spot-zoning limitations, the court in *Chrismon v. Guilford County*^[10] concluded that a clear showing of a reasonable basis must support the validity of spot zoning. This shifts the presumption of validity accorded to legislative zoning decisions when a small-scale rezoning is involved.^[11]

This mandated analysis was incorporated into the zoning statutes in 2005 with the addition of a requirement that a statement analyzing the reasonableness of the proposed rezoning be prepared as part of the consideration of all petitions for a conditional district or any other small-scale rezoning.^[12] With other rezonings, if the reasonableness of the amendment is debatable, it is upheld. With spot-zoning amendments, the local government must affirmatively show the reasonableness of its action.^[13]

In addition to being held to a standard of reasonableness in a due-process context, spot zoning is also restricted by the zoning-enabling statute. G.S. 160D-701 requires that zoning regulations be made in accordance with a comprehensive plan. A rezoning decision on a relatively small parcel that does not consider the effects of the rezoning within the larger community context violates this mandate.^[14]

The language of individual zoning ordinances can impose additional limitations on spot zoning. For example, in the *Blades* case, the Raleigh zoning ordinance required that rezoning decisions be “based on the need to change the zoning map in accordance with the comprehensive plan or to amend the plan for the benefit of the neighborhood or city, because of changed conditions.”^[15]

ARTICLE 2. **Defining Spot Zoning**

Rezonings that undergo more intensive review as spot zoning were simply and concisely defined as zoning “changes limited to small areas” in North Carolina’s first case on the subject, *Walker v. Town of Elkin*.^[16]

In *Zopfi v. City of Wilmington*,^[17] a case that upheld the rezoning of a sixty-acre parcel into three zoning districts, the court ruled that illegal spot zoning arose “where a small area, usually a single lot or a few lots, surrounded by other property of similar nature, [was] placed arbitrarily in a different use zone from that to which the surrounding property [was] made subject.”^[18] Four years later, in *Blades*, a case that invalidated a five-acre rezoning, spot zoning was more completely defined thus:

A zoning ordinance, or amendment, which singles out and reclassifies a relatively small tract owned by a single person and surrounded by a much larger area uniformly zoned, so as to impose upon the smaller tract greater restrictions than those imposed upon the larger area, or so as to relieve the small tract from restrictions to which the rest of the area is subjected, is called “spot zoning.”^[19]

There are several aspects to this definition.

First, spot zoning can be an issue raised in initial zoning as well as in subsequent rezonings.^[20]

Second, no specific minimum or maximum size of an area constitutes spot zoning. The size of the tract must be considered relative to the surrounding area.^[21] A fifty-acre rezoning in a rural setting where that tract and thousands of adjacent acres have previously been zoned the same way may be spot zoning, but a five-acre rezoning in a dense urban setting with numerous zoning districts may not be spot zoning. That said, if the size of the zoning district is sufficiently large, the rezoning is simply not spot zoning. In *Friends of Mt. Vernon Springs, Inc. v. Town of Siler City*, the court held that a 1076-acre tract is not a “relatively small area” and cannot be considered spot zoning.^[22] In the North Carolina cases that have resulted in invalidation of rezonings as illegal spot zoning, the size of tracts involved has ranged from 0.57 to 50 acres.

Third, there is an emphasis on a very limited number of property owners being involved, “usually triggered by efforts to secure special benefits for particular property owners, without regard for the rights of adjacent landowners.”^[23] A large number of affected parties is more likely to bring the rezoning to broader public scrutiny, greater political accountability, and less need for judicial oversight. The definition used in *Blades* in fact speaks to a single owner of the affected property. This “single owner” requirement was applied in *Musi v. Town of Shallotte*,^[24] a rezoning of newly annexed property consisting of fifteen parcels owned by six persons, and in *Good Neighbors of Oregon Hill Protecting Property Rights v. County of Rockingham*,^[25] rezoning a two-acre parcel jointly owned by a father and son. In each case the court found that since the rezoned property was not owned by a single person or entity, it by definition could not be spot zoning.

Fourth, spot zoning can be involved when the proposed new zoning requirements for the small area are either more or less strict than those for the surrounding area. The key element is that the proposed zoning is different from the other zoning, “thus projecting an inharmonious land use pattern.”^[26] It is not spot zoning where the difference in the zoning districts is very modest. For example, in *Childress v. Yadkin County*, the court held that the “restricted residential” and “rural agricultural” (RA) districts at issue were sufficiently similar to avoid a spot-zoning characterization.^[27]

Fifth, there must be a zoning-map amendment to trigger spot-zoning review. A text amendment, even when it is an amendment to the terms of a conditional zoning for a single parcel owned by a single entity, is not spot zoning. For example, in *McDowell v. Randolph County*,^[28] the county approved an amendment to the site plan that allowed relocation of chemical vats in a lumberyard that was in a conditional-zoning district. The site plan was a part of the conditions for the district. The court noted that the amendment did not change the zoning of the parcel, so it by definition could not be considered spot zoning.

In sum, the heightened scrutiny of spot zoning applies when there is the appearance of possible discriminatory treatment (either favorable or negative) for a few, rather than a decision based on the larger public interest.

ARTICLE 3. **Factors in Validity**

When adopting a “spot” zone, a local government has an affirmative obligation to establish that there is a reasonable public-policy basis for doing so. Thus the public-hearing record and minutes of the board’s deliberations should reflect consideration of legitimate factors for differential zoning treatment of the property involved. Does the property have different physical characteristics that make it especially suitable for the proposed zoning, such as peculiar topography or unique access to roads or utilities? Are there land uses on or in proximity to the site that are different from the uses made of most of the surrounding property? Would the proposed range of newly permissible development be in harmony with the legitimate expectations of the neighbors? Have appropriate safeguards been incorporated to protect the interests of those affected?

In *Chrismon*, the court set out in detail four factors that are considered particularly important by the courts in determining whether there is a reasonable basis for spot zoning:

At the outset, we note that a judicial determination as to the existence or nonexistence of a sufficient reasonable basis in the context of spot zoning is, and must be, the “product of a complex of factors.” The possible “factors” are numerous and flexible, and they exist to provide guidelines for a judicial balancing of interests. Among the factors relevant to this judicial balancing are the size of the tract in question; the compatibility of the disputed zoning action with an existing comprehensive zoning plan; the benefits and detriments resulting from the zoning action for the owner of the newly zoned property, his neighbors, and the surrounding community; and the relationship between the uses envisioned under the new zoning and the uses currently present in adjacent tracts. Once again, the criteria are flexible, and the specific analysis used depends on the facts and circumstances of a particular case.^[29]

The court has subsequently emphasized that a mere cataloging of benefits is inadequate. The “clear showing”^[30] of reasonableness must address the totality of circumstances involved and “must demonstrate that the change was reasonable in light of its effect on all involved.”^[31] Thus the statement of reasonableness approved by the board adopting a spot zoning should specify in some detail the basis for the action taken and the information before the board that supports that conclusion.

In 2019 the gist of the *Chrismon* rule was codified and made applicable to all zoning-map amendments. G.S. 160D-605(b) requires adoption of a statement of reasonableness for all zoning-map amendments. The statute lists the factors that should be considered in this analysis. The factors are suggested and not mandated, as not all factors will be relevant to all rezoning decisions. The factors to be addressed are:

1. the size and physical attributes of the site;
2. the benefits and detriments to the landowner, the neighbors, and the community;
3. how the actual and previously permitted uses of the site relate to newly permitted uses;
4. any changed conditions warranting the amendment; and
5. other factors affecting the public interest.

A review of North Carolina litigation illustrates the application of these factors to spot-zoning challenges of rezonings.

Size of Tract

The first factor to be considered in determining whether spot zoning is reasonable is the size of the tract. The general rule is that the smaller the tract, the more likely the rezoning will be held invalid. However, it is very important to consider the size of the tract in context: a one-acre parcel may be considered large in an urban area developed in the 1920s but very small in the midst of an undeveloped rural area.

The rezoning of an individual lot from a single-family- and multifamily-residential district to a business district was upheld in *Nelson v. City of Burlington*.^[32] In this instance the majority of property directly across the street was already zoned for business use, and the court concluded that, given the prevalence of business zoning in the immediate vicinity of this lot, there was “some plausible basis” for the rezoning.^[33]

However, several cases have held the rezoning of relatively large tracts to be illegal spot zoning. A rezoning of a fifty-acre tract from RA to industrial was invalidated in *Good Neighbors of South Davidson v. Town of Denton*.^[34] The site was a satellite area of the town, located in the midst of a rural and farming area some two miles from the town’s primary corporate limits. A rezoning of a 29.95-acre portion of a 120.3-acre parcel from RA and light industrial to a conditional heavy industrial was invalidated in *McDowell v. Randolph County*,^[35] where the surrounding land, estimated at “thousands of acres,” was uniformly zoned as RA. Similarly, a rezoning of 17.6 acres from RA to industrial was held to be impermissible spot zoning in *Budd v. Davie County*.^[36] The site there was some four to five miles from the nearest industrial zone, with all of the intervening property being in residential districts. A 17.45-acre rezoning was also ruled to be impermissible spot zoning in *Godfrey v. Union County Board of Commissioners*.^[37] This case involved a rural tract that was zoned for single-family-residential use, as was all of the surrounding property, and the rezoning was to an industrial district. The court in *Alderman v. Chatham County*,^[38] which involved the rezoning of a 14.2-acre tract from an RA district to a mobile-home park, when the surrounding 500 acres were residentially zoned, also found that unreasonable spot zoning had occurred. However, at some point the size of the tract is such that it precludes a determination that its size is a factor in determining reasonableness. In *Friends of Mt. Vernon Springs*, the court noted that a rezoning of a 1076-acre tract was not unreasonable and was not spot zoning.^[39]

The fact that other small areas nearby have similar zoning to that proposed in a rezoning will not avoid a spot-zoning label. The tract to be rezoned is considered in relation “to the vast majority of the land immediately around it.”^[40]

Compatibility with Plan

The second factor in a spot-zoning analysis is compatibility with the existing comprehensive zoning plan. This involves an inquiry into whether the rezoning fits into a larger context involving rational planning for the community. Whether set forth in a formal comprehensive land use plan or reflected in an overall zoning scheme, zoning regulations must be based on an analysis of the suitability of the land for development (e.g., topography, soil types, wetland locations, and flood areas), the availability of needed services (e.g., water, sewers, roads, and rail lines), and existing and needed land uses.^[41] To the extent that a small-area rezoning fits

into a logical preexisting plan that is clearly based on this type of analysis, it is much more likely to be upheld.

An example of a zoning scheme involving relatively small parcels that was judged acceptable because it fit the context of the land and the surrounding uses is found in *Zopfi*. The court there upheld the rezoning of a roughly sixty-acre triangle, formed by two major highways, into three zoning districts with decreasing density moving away from the point of the highway intersection. A 27.5-acre parcel at the point of the intersection was zoned commercial, the next 12 acres were zoned for multifamily-residential use, and the remainder was zoned for single-family-residential use. Similarly in *Nelson*, the rezoning of a lot from residential use to business use was upheld on the basis that the majority of the property directly across the street was already zoned for business use.

A contrast is provided by situations in which there are no discernible reasons to single out a small tract for differential zoning treatment. This is a common rationale cited by the courts when finding spot zoning to be unreasonable and thus illegal. A number of North Carolina cases illustrate this point.

An early example is *Stutts v. Swaim*. In 1967 the town of Randleman had zoned virtually all of its half-mile extraterritorial-zoning jurisdiction (some 500 acres) for one- and two-family residences. An attempt in 1968 to rezone a four-acre tract to a mobile-home zoning district, when there were no special characteristics present on that site, was ruled invalid spot zoning.^[42] A relatively common spot-zoning controversy arises when a rezoning is proposed to allow intensive industrial-type uses in the midst of largely residential rural areas. In *McDowell v. Randolph County*,^[43] the plaintiff secured the rezoning of nearly thirty acres to allow expansion of milling operations at an existing nonconforming lumberyard and sawmill. The proposed rezoning would have allowed a pallet-making operation, kiln, and industrial-building expansion immediately adjacent to the plaintiff's residence.^[44] The court noted the drastically different statement of purposes for the residential-agricultural and industrial districts in the county's unified development ordinance. The county's growth-management plan expressly provided that industrial development should not be located where it would diminish the desirability of residential uses. The plan identified the site as within the rural growth area, to be composed predominately of agricultural and residential uses. Both the ordinance and the plan called for substantial buffers between industrial and residential uses and the rezoning. The court concluded the rezoning was in direct contravention of these plans and policies. In *Lathan v. Union County Board of Commissioners*,^[45] an 11.4-acre rezoning from residential to light-industrial use was ruled to be invalid spot zoning. A sawmill on the site was being operated as a nonconforming use, and the rezoning was necessary to accommodate the facility's expansion. The site had no access to major highways, rail lines, or public utilities, and the planning director concluded that industrial development would be incompatible with the surrounding residential community. Nevertheless the planning board recommended that the tract be rezoned as requested.^[46] The Union County commissioners agreed with the planning board's recommendation and adopted the rezoning. The adjacent landowner then sued. The court of appeals ruled that no special features on the tract made it any more suitable than the surrounding property for industrial use. The rezoning was ruled invalid spot zoning because there was no clear showing of a reasonable basis for the rezoning. In *Godfrey v. Union County Board of Commissioners*,^[47] the comprehensive plan designated the area rezoned as a low-density residential district, and the nearest industrial uses were approximately a half-mile

away. The owner sought rezoning to heavy-industrial use because he wanted to relocate a grain-bin operation to the site. The planning director recommended approval of the rezoning from residential to industrial use based on the site's accessibility to a major highway, a railroad, and public water. The planning board approved the recommendation, and the county commissioners narrowly adopted it. The court invalidated the rezoning, however, finding that the "whole intent and purpose . . . was to accommodate his plans to relocate his grain bins, not to promote the most appropriate use of the land throughout the community."^[48] The court acknowledged the availability of some services that would make this tract suitable for industrial development but concluded that the same was true of the surrounding property, and because this tract was "essentially similar," there was no reasonable basis for zoning it differently.

Three cases illustrate the growing importance of a formal comprehensive plan and the recommendations of the planning board in spot-zoning analysis. In *Mahaffey v. Forsyth County*,^[49] a 0.57-acre tract was rezoned from a residential and highway-business district to a general-business district. The comprehensive plan designated the area as "predominantly rural with some subdivisions adjacent to farms." The planning staff and the planning board recommended against the rezoning, but the board of commissioners adopted it. In ruling the action to be illegal spot zoning, the court pointedly noted, "[T]he County Planning Board and Planning Board Staff, made up of professionals who are entrusted with the development of and adherence to the comprehensive plan, recommended denial of the petition."^[50] A similar result was reached in *Covington v. Town of Apex*,^[51] in which the rezoning of a single lot from office and institutional use to conditional use business was held to be impermissible spot zoning. The court concluded that the rezoning contradicted the town's policies on location of industrial uses, as set forth in the comprehensive plan. The court also found minimal benefit to the public and substantial detriment to neighbors. In *Budd*, the rezoning of a fourteen-acre site along the Yadkin River, as well as a half-mile-long, sixty-foot-wide accessway, from RA to industrial in order to accommodate a sand-mining operation was invalidated in part because it directly contradicted the previously adopted policies for the area. The zoning ordinance's stated intent for the RA district was to maintain a "rural development pattern" with an aim "clearly to exclude commercial and industrial uses."^[52] Based on such considerations, the planning board twice recommended denial of the rezoning petition. The court held that the rezoning was in direct contravention of the stated purpose of the comprehensive zoning scheme, and this factored into invalidation of the rezoning.^[53]

Consistency with a comprehensive plan sometimes justifies differential zoning. In *Graham v. City of Raleigh*,^[54] the rezoning of a 30.3-acre tract from a residential to an office district was upheld in part based on the need to bring the property in line with the nodal concept of development promoted in Raleigh's comprehensive plan.^[55]

Formal amendment of an inconsistent comprehensive plan is not necessarily required to avoid a finding of illegal spot zoning, though a reasonable basis for the deviation must be established.^[56] In *Purser v. Mecklenburg County*,^[57] the court upheld the rezoning of a 14.9-acre tract from residential to conditional use-commercial to allow construction of a neighborhood convenience center. The county's small-area plan for the site indicated that a nearby but different site was suitable for such a center. However, testimony presented at the public hearing indicated that whereas the suitability of the other site depended on road

construction, locating a convenience center on the site in question would be consistent with policies in the county's general-development plan.

Balancing Benefits and Detriments

The third factor to be considered in spot-zoning analysis is who benefits from the rezoning, who (if anyone) is harmed, and what the relative magnitudes of the benefits and harms are. If the rezoning is granted, will it greatly benefit the owner? Will the owner be seriously harmed if it is denied? After the same questions are asked of the neighbors and the community at large, the effects on all three must be balanced. In a spot-zoning challenge, the courts, not the governing board alone, review and weigh the balance of benefit and harm created by the rezoning.

The courts may be sympathetic to a rezoning that confers considerable benefit to the owner and only modest harm to others, but even a substantial benefit for the owner will not offset substantial harm to others. This principle is evident in the ruling that invalidated the rezoning challenged in *Blades*. The case involved rezoning a five-acre tract in the midst of a large single-family zoning district to a multifamily district in order to allow for the construction of twenty townhouses. The court found that no reason was offered for treating this property differently and that the character of the existing neighborhood might be greatly harmed as a result.^[58] In *Etheridge v. County of Currituck*,^[59] the court noted that the purported benefits of a proposed recycling center were not supported by any evidence presented at the rezoning hearing, and the benefits offered were "a generalized benefit that has no specific connection to the surrounding rural community," while the "vast majority" of speakers were in opposition and offered supporting evidence from real-estate professionals and law-enforcement officials.^[60]

Chrismon illustrates the other side of this analysis. The court there noted as follows:

[W]hile spot zoning which creates a great benefit for the owner of the rezoned property with only an accompanying detriment and no accompanying benefit to the community or to the public interest may well be illegal, spot zoning which provides a service needed in the community in addition to benefiting the landowner may be proper.^[61]

In *Chrismon* the rezoning of one 3-acre and one 5-acre tract from an agricultural district to a conditional use-industrial district in order to allow for an agricultural chemical use was upheld. The court weighed the benefit to the owner, the harm to the immediately adjacent neighbor, the broad community support for the rezoning, and the need for these services in the surrounding agricultural community; it concluded that there were "quite substantial benefits created for the surrounding community by the rezoning."^[62]

The benefits to the community must be real and substantial, not merely convenient. For example, in *Mahaffey*, it was argued that rezoning a 0.57-acre tract to allow for the establishment of an auto-parts store would be beneficial to a rural community in which virtually everyone depended on automobiles. The court rejected this argument, noting, "[A]uto parts are a common and easily obtainable product and, if such a retail establishment were said to be 'beneficial to a rural community,' then virtually any type of business could be similarly classified."^[63] Likewise, in *Budd*, the court ruled that generalized benefits resulting from increased business activity related to the operation of a sand mine did not offset the

potential harm to neighbors caused by the influx of heavy-truck traffic into the rural residential area.^[64]

A spot-zoning analysis must consider the impacts on neighbors and the surrounding community even if they are not located in the jurisdiction of the local government making the rezoning. In fact, in *Good Neighbors of South Davidson*,^[65] the court indicated it would give particular attention to the weighing of benefits and detriments in this situation because the neighbors had no political recourse for addressing what they deemed to be unreasonable zoning decisions:

[I]n the aftermath of the satellite annexation, when the authority to rezone the parcel shifted from the county to the Town of Denton, Piedmont's neighbors suddenly found themselves outside looking in. Without a say in the annexation process, they had no one to defend their zoning interests and no one to vote out of office for failing to do so. In sum, the Town of Denton could act on the property at issue without fear of political reprisal from the neighboring landowners of Davidson County. From our vantage point, there are precious few circumstances that could prove more detrimental to a surrounding community.^[66]

In concluding that this rezoning constituted illegal spot zoning, the court noted that the town's failure to consider the adverse impacts on the neighbors was resume "rather suggestive of a cavalier unreasonableness on the part of the town."^[67]

Relationship of Uses

The fourth factor in spot-zoning analysis is the relationship between the proposed uses and the current uses of adjacent properties. The greater the disparity, the more likely the rezoning is to be held illegal.

This was a consideration in the court's invalidation of the rezonings in the *Lathan*, *Godfrey*, and *Budd* cases, even though all three situations involved relatively large acreage: 11.4 acres, 17.45 acres, and 17.6 acres, respectively. In each case the rezoning was from low-density residential to industrial use. The magnitude of the change prompted the courts to look closely for a supporting rationale; they found none.^[68] Likewise, in both the *Allred* and the *Blades* cases, proposals to locate high-density multifamily projects in single-family-residential neighborhoods were invalidated.

On the other hand, the abovementioned *Chrismon* case resulted in only a modest change in the allowed uses: the landowner could carry on the storage and sale of grain under the original zoning; the rezoning allowed the storage and sale of agricultural chemicals. Further, the site was in the midst of an agricultural area that needed such services. Thus the court could conclude the following:

[T]his is simply not a situation . . . in which a radically different land use, by virtue of a zoning action, appears in the midst of a uniform and drastically distinct area. No parcel has been "wrenched" out of the Guilford County landscape and rezoned in a manner that "disturbs the tenor of the neighborhood." . . . In our view, the use of the newly rezoned tracts . . . is simply not the sort of drastic change from possible surrounding uses which constitutes illegal spot zoning.^[69]

In addition, limitations on the uses proposed in the zoning approval and site-specific development conditions can minimize the adverse impact on neighboring properties. For example, a conditional use district rezoning to allow a neighborhood convenience center was upheld in *Purser*, in part because “the development of the Center was governed by a conditional use site plan that was designed to integrate the Center into the neighborhood and insure that it would be in harmony with the existing and proposed residential uses on the surrounding property.”^[70] By contrast, the failure to condition the rezoning on provisions that would mitigate harm to neighbors was a factor in the invalidation of the rezoning in *Etheridge*.^[71]

A change in the conditions is not required to justify a rezoning in North Carolina, but it can be an important factor in establishing that a proposed new zoning classification is compatible with surrounding land uses. For example, in *Allgood v. Town of Tarboro*,^[72] the rezoning of a twenty-five-acre tract from residential to commercial use was upheld in part on the basis that in the eight years between the initial adoption of zoning and the challenged rezoning, the surrounding area had substantially changed because of the expansion of an adjoining road, the extension of water and sewer lines, the construction of a school and an apartment complex nearby, and the annexation of the site by the city.

[1]. *Appeal of Parker*, 214 N.C. 51, 55, 197 S.E. 706, 709, appeal dismissed, 305 U.S. 568 (1938). See Chapter 29 for a detailed discussion of the presumption of validity and standards for judicial review.

[2]. *Summers v. City of Charlotte*, 149 N.C. App. 509, 562 S.E.2d 18, review denied, 355 N.C. 758, 566 S.E.2d 482 (2002).

[3]. N.C. Const. art. I, § 32.

[4]. N.C. Const. art. I, § 34.

[5]. N.C. Const. art. I, § 19. The “law of the land” provision of Section 19 is the equivalent of the Due Process Clause of the Fourteenth Amendment to the U.S. Constitution.

[6]. This approach is distinct from a focus on procedural due process, where more demanding quasi-judicial procedures could be employed to reduce potential abuse of zoning power. Here the inquiry is on the substance of the decision. Contract-zoning issues, which are frequently also raised in spot-zoning cases, are discussed in Chapter 13.

[7]. A police-power regulation adopted to advance private rather than the public interest is a violation of due process. *State v. Ray*, 131 N.C. 814, 42 S.E. 960 (1902) (invalidating ordinance requiring 7:30 p.m. closing of stores). Zoning ordinances must bear a substantial relation to protection of the public health, safety, morals, or general welfare. *Helms v. City of Charlotte*, 255 N.C. 647, 122 S.E.2d 817 (1961); *In re O’Neal*, 243 N.C. 714, 92 S.E.2d 189 (1956). See also *Horton v. Gullledge*, 277 N.C. 353, 177 S.E.2d 885 (1970).

[8]. “The legislative body must act in good faith. It cannot act arbitrarily or capriciously.” Walker v. Town of Elkin, 254 N.C. 85, 89, 118 S.E.2d 1, 4 (1961). The court also noted that if the conditions existing at the time of the rezoning were such as would have originally justified the proposed action, the rezoning would be upheld. The court has not, however, subsequently required any showing of changed circumstances as a prerequisite to rezonings. In Zopfi v. City of Wilmington, 273 N.C. 430, 438, 160 S.E.2d 325, 333 (1968), this due-process consideration was stated as a requirement that a rezoning not be arbitrary or discriminatory, that it be reasonably related to the public welfare, and that it be consistent with the purpose for which the city was authorized to enact zoning regulations. Also note that an invalid spot zoning is not a per se abuse of discretion mandating an award of attorney’s fees. Etheridge v. Cty. of Currituck, 235 N.C. App. 469, 481, 762 S.E.2d 289, 298 (2014).

[9]. Blades v. City of Raleigh, 280 N.C. 531, 546, 187 S.E.2d 35, 43 (1972).

[10]. 322 N.C. 611, 370 S.E.2d 579 (1988).

[11]. “Defendant argues, and the Court agrees, that as a general proposition, a municipality’s zoning actions are presumed to be reasonable and valid. However, when assessing a municipality’s actions that are construed to be spot zoning, we note that this Court has set aside the aforementioned presumption in favor of requiring the municipality to offer a ‘clear showing’ that there was a ‘reasonable basis’ for its decision.” Good Neighbors of S. Davidson v. Town of Denton, 355 N.C. 254, 258 n.2, 559 S.E.2d 768, 771 n.2 (2002) (citations omitted). See also Kerik v. Davidson Cty., 145 N.C. App. 222, 551 S.E.2d 186 (2001) (applying heightened review to alleged contract zoning).

[12]. G.S. 160D-605(b), added by S.L. 2005-426, §§ 6(a), (b). In 2019 the requirement was broadened to apply to all rezonings. S.L. 2019-111.

[13]. In Chrismon this was posed thusly: “[D]id the zoning authority make a clear showing of a reasonable basis for the zoning?” Chrismon, 322 N.C. 611, 627, 370 S.E.2d 579, 589 (1988).

[14]. Allred v. City of Raleigh, 277 N.C. 530, 178 S.E.2d 432 (1971); Alderman v. Chatham Cty., 89 N.C. App. 610, 366 S.E.2d 885, review denied, 323 N.C. 171, 373 S.E.2d 103 (1988). Plan consistency is not mandatory in North Carolina, but the plan’s significance is heightened in spot-zoning cases.

[15]. Quoted in Blades v. City of Raleigh, 280 N.C. 531, 547, 187 S.E.2d 35, 44 (1972).

[16]. 254 N.C. 85, 89, 118 S.E.2d 1, 4 (1961).

[17]. 273 N.C. 430, 160 S.E.2d 325 (1968).

[18]. Id. at 437, 160 S.E.2d at 332.

[19]. Blades, 280 N.C. at 549, 187 S.E.2d at 45.

[20]. Good Neighbors of S. Davidson v. Town of Denton, 355 N.C. 254, 257 n.1, 559 S.E.2d 768, 771 n.1 (2002). The initial zoning of the property had been made by the county and the spot zoning was the initial zoning by the city upon assuming jurisdiction after annexation. The court rejected the contention that this was not a “reclassification.”

[21]. There is no set definition of the “surrounding area” to be considered. In many cases the comparison is to the immediately adjacent areas, but it is clear that the challenged rezoning

must be viewed in context of the zoning of the immediate area. In *Musi v. Town of Shallotte*, 200 N.C. App. 379, 684 S.E.2d 892 (2009), the plaintiffs proposed examination of a one-mile radius around the rezoned area. The court looked at both a larger area and the dry-land area within a mile of the site.

[22]. *Friends of Mt. Vernon Springs, Inc. v. Town of Siler City*, 190 N.C. App. 633, 660 S.E.2d 657 (2008). The property was rezoned from agricultural-residential to heavy-industrial conditional on petition of a company seeking to operate a quarry and processing facility on the site.

[23]. 2 E.C. Yokley, *Zoning Law and Practice* § 13-3 at 207 (4th ed. 1978), quoted with approval in *Chrismon v. Guilford Cty.*, 322 N.C. 611, 626, 370 S.E.2d 579, 588 (1988).

[24]. 200 N.C. App. 379, 684 S.E.2d 892 (2009). See also *Covington v. Town of Apex*, 108 N.C. App. 231, 423 S.E.2d 537 (1992).

[25]. 242 N.C. App. 280, 774 S.E.2d 902, review denied, 368 N.C. 429, 778 S.E.2d 78 (2015).

[26]. *Chrismon*, 322 N.C. at 626, 370 S.E.2d at 588. See also *Dale v. Town of Columbus*, 101 N.C. App. 335, 399 S.E.2d 350 (1991). In some states, when the rezoning produces regulations less restrictive than those applicable to neighboring properties, the practice is termed “spot zoning,” and when the restrictions are more restrictive, it is termed “inverse spot zoning.”

[27]. 186 N.C. App. 30, 650 S.E.2d 55 (2007).

[28]. ___ N.C. App. ___, 808 S.E.2d 513 (2017).

[29]. *Chrismon*, 322 N.C. at 628, 370 S.E.2d at 589 (citations omitted). Courts in other states have emphasized the need to examine similar multiple factors in spot- and contract-zoning cases.

[30]. *Chrismon*, 322 N.C. at 627, 370 S.E.2d at 589 (1988).

[31]. *Good Neighbors of S. Davidson v. Town of Denton*, 355 N.C. 254, 258, 559 S.E.2d 768, 771 (2002); *Etheridge v. Cty of Currituck*, 235 N.C. App. 469, 762 S.E.2d 289 (2014).

[32]. 80 N.C. App. 285, 341 S.E.2d 739 (1986).

[33]. *Id.* at 288, 341 S.E.2d at 741. The facts of this case also illustrate the importance of considering the full range of uses available in a zoning district. The owner of the property in *Nelson* had sought the rezoning to allow construction of a small shopping center. The initial rezoning petition was denied. After the owner announced plans to construct low-income housing on the portion of the lot zoned for multifamily use, a second commercial-use rezoning petition was approved.

[34]. 355 N.C. 254, 559 S.E.2d 768 (2002). The court in *Childress*, 186 N.C. App. 30, 35–36, 650 S.E.2d 55, 60 (2007) also concluded that a fifty-acre rezoning where most of the surrounding property was uniformly zoned in a different district would be spot zoning if the two districts are sufficiently different.

[35]. 186 N.C. App. 17, 649 S.E.2d 920 (2007). The rezoning was requested in order to allow expansion of an existing nonconforming sawmill, kiln, and pallet-making operation.

[36]. 116 N.C. App. 168, 447 S.E.2d 449 (1994), review denied, 338 N.C. 524, 453 S.E.2d 174 (1994).

[37]. 61 N.C. App. 100, 300 S.E.2d 273 (1983). Compare *Rose v. Guilford County*, 60 N.C. App. 170, 298 S.E.2d 200 (1982), in which the court held that summary judgment was inappropriate when the rezoning of a 100-acre tract from an agricultural to a residential district that allowed mobile homes was challenged as arbitrary and capricious on spot- and contract-zoning grounds.

[38]. 89 N.C. App. 610, 366 S.E.2d 885, review denied, 323 N.C. 171, 373 S.E.2d 103 (1988). That an adjacent sixteen-acre tract owned by the same person had been rezoned to a mobile-home park some eleven years earlier did not change the court's conclusion that the immediate rezoning was unreasonable.

[39]. *Friends of Mt. Vernon Springs, Inc. v. Town of Siler City*, 190 N.C. App. 633, 660 S.E.2d 657 (2008).

[40]. *Mahaffey v. Forsyth Cty.*, 99 N.C. App. 676, 682, 394 S.E.2d 203, 207 (1990), review denied, 327 N.C. 636, 399 S.E.2d 327 (1991). In *Etheridge v. County of Currituck*, 235 N.C. App. 469, 762 S.E.2d 289 (2014), the court found illegal spot zoning even though property on one side was adjoined by property zoning for general business, with the other three sides and majority of surrounding area zoned agricultural. But see *Orange County v. Heath*, 278 N.C. 688, 180 S.E.2d 810 (1971), in which the court held that rezoning a fifteen-acre tract from a residential district to a mobile-home park was not spot zoning because it adjoined a five-acre tract already in legal use as a mobile-home park.

[41]. The court in *Childress* went so far as to rely on an affidavit submitted by the county manager to ascertain plan consistency. *Childress v. Yadkin Cty.*, 186 N.C. App. 30, 38, 650 S.E.2d 55, 61 (2007).

[42]. *Stutts v. Swaim*, 30 N.C. App. 611, 228 S.E.2d 750, review denied, 291 N.C. 178, 229 S.E.2d 692 (1976). There were two mobile-home parks in the extraterritorial-zoning area, and both were zoned for mobile-home use. One was three-fourths of a mile from the tract at issue; the other, two-and-one-half miles. The litigation was initiated some five-and-a-half years after the contested rezoning. The court applied a traditional laches analysis and allowed the litigation. G.S. 160A-364.1, which establishes a nine-month statute of limitations for challenging rezonings, was subsequently adopted.

[43]. 186 N.C. App. 17, 649 S.E.2d 920 (2007).

[44]. The county had issued permits allowing expansion of industrial buildings located within twenty feet of the plaintiff's residential property. The rezoning was sought when neighbors complained that this was the unlawful expansion of a nonconforming use.

[45]. 47 N.C. App. 357, 267 S.E.2d 30, review denied, 301 N.C. 92, 273 S.E.2d 298 (1980).

[46]. The planning board's reasons for a favorable recommendation were "(1) Because of how long it has been there. (2) You can't tell a man that he can't grow and will have to go up U.S. 74 to expand. (3) How long they have had the land." *Id.* at 359, 267 S.E.2d at 32.

[47]. 61 N.C. App. 100, 300 S.E.2d 273 (1983).

[48]. *Id.* at 104, 300 S.E.2d at 275. The court concluded that the rezoning constituted improper contract zoning as well as improper spot zoning.

[49]. 99 N.C. App. 676, 394 S.E.2d 203 (1990), review denied, 327 N.C. 636, 399 S.E.2d 327 (1991). See also *Etheridge v. Cty. of Currituck*, 235 N.C. App. 469, 762 S.E.2d 289 (2014) (plan inconsistency was conceded by county).

[50]. *Id.* at 683, 394 S.E.2d at 207. In *Good Neighbors of South Davidson*, 355 N.C. 254, 559 S.E.2d 768 (2002), the court noted that the record was silent on plan consistency and thus this factor could not be urged to show the reasonableness of the action taken.

[51]. 108 N.C. App. 231, 423 S.E.2d 537 (1992).

[52]. *Budd v. Davie Cty.*, 116 N.C. App. 168, 175, 447 S.E.2d 449, 453, review denied, 338 N.C. 667, 453 S.E.2d 174 (1994).

[53]. However, the governing board's attempted rezoning would have made this policy, which applied to all land zoned RA, inapplicable to this site. An argument can be made, then, that the rezoning is not inconsistent with the policies in the zoning ordinance. This reemphasizes the importance of being able to point to a comprehensive plan or to other planning studies, reports, and policies extrinsic to the zoning ordinance itself.

[54]. 55 N.C. App. 107, 284 S.E.2d 742 (1981), review denied, 305 N.C. 299, 290 S.E.2d 702 (1982).

[55]. The character of the surrounding neighborhood was a factor also in *Finch v. City of Durham*, 325 N.C. 352, 384 S.E.2d 8 (1989), though the spot-zoning issue was not explicitly addressed in this taking challenge. The rezoning from commercial to residential use, which was upheld in a taking challenge, was supported by policies of protecting an adjacent residential neighborhood and limiting commercial development to the opposite side of the adjacent interstate highway.

[56]. Note, however, that the statutes now provide that if a rezoning is adopted that is inconsistent with an adopted comprehensive plan, the plan is deemed amended by the rezoning. G.S. 160D-605(a).

[57]. 127 N.C. App. 63, 488 S.E.2d 277 (1997).

[58]. *Blades v. City of Raleigh*, 280 N.C. 531, 546, 187 S.E.2d 35, 43 (1972). See also *Covington v. Town of Apex*, 108 N.C. App. 231, 423 S.E.2d 537 (1992), review denied, 333 N.C. 462, 427 S.E.2d 620 (1993) (invalidating the rezoning of a former post-office site adjacent to a residential neighborhood from institutional use to an industrial district in order to accommodate an electronic-assembly operation).

[59]. 235 N.C. App. 469, 762 S.E.2d 289 (2014).

[60]. *Id.* at 473-74, 762 S.E.2d at 293-94.

[61]. *Chrismon v. Guilford Cty.*, 322 N.C. 611, 629, 370 S.E.2d 579, 590 (1988).

[62]. *Id.* at 633, 370 S.E.2d at 592.

[63]. *Mahaffey v. Forsyth Cty.*, 99 N.C. App. 676, 683, 394 S.E.2d 203, at 208 (1990), review denied, 327 N.C. 636, 399 S.E.2d 327 (1991).

[64]. *Budd v. Davie Cty.*, 116 N.C. App. 168, 175-77, 447 S.E.2d 438, 453-54 (1994), review denied, 338 N.C. 524, 453 S.E.2d 179 (1994). The court reached the same conclusion regarding

significant neighborhood harms (increased truck traffic, noise, and dust) outweighing speculative economic benefits in *McDowell v. Randolph County*, 186 N.C. App.17, 24–27, 649 S.E.2d 920, 926–27 (2007).

[65]. 355 N.C. 254, 559 S.E.2d 768 (2002).

[66]. *Id.* at 261, 559 S.E.2d at 773.

[67]. *Id.* at 262, 559 S.E.2d at 774.

[68]. See also *Id.*, 559 S.E.2d at 773; *Budd*, 116 N.C. App. at 178, 447 S.E.2d at 455 (rezoning would “destroy the tenor of the quiet residential and agricultural neighborhood”); *Mahaffey*, 99 N.C. App. 676, 394 S.E.2d 203 (holding that the auto-parts store allowed by rezoning was a significantly different use from the surrounding rural residential neighborhood).

[69]. *Chrismon v. Guilford Cty.*, 322 N.C. 611, 632, 370 S.E.2d 579 591–92 (1988). See also *Childress v. Yadkin Cty.*, 186 N.C. App. 30, 650 S.E.2d 55 (2007) (upholding rezoning where principal difference in the two districts was between allowing modular rather than manufactured housing at comparable densities).

[70]. *Purser v. Mecklenburg Cty.*, 127 N.C. App. 63, 70–71, 488 S.E.2d 277, 282 (1997).

[71]. *Etheridge v. Cty. of Currituck*, 235 N.C. App. 469, 762 S.E.2d 289 (2014). Even though this was a conditional zoning, the only condition imposed to mitigate neighborhood impacts of a recycling center was an eight-foot fence around the property.

[72]. 281 N.C. 430, 189 S.E.2d 255 (1972).

Also see this related post in Coates Canons:

David Owens, [Is This Spot Legal?](#) (March 2011)



Town of North Topsail Beach
Board of Aldermen

Agenda Item:	PUBLIC HEARING
Date:	7/1/201

Issue: UNIFIED DEVELOPMENT ORDINANCE

Department: Planning

Prepared by: Deborah J. Hill MPA AICP CFM CZO

Presentation: Yes

BACKGROUND Updates to the Unified Development Ordinance (UDO) to align the Town's development regulations with North Carolina General Statutes Chapter 160D are necessary for the Town's development regulations to continue operating in compliance with State law.

RECOMMENDATION On June 17, 2021, Mr. Dorazio made a motion to recommend that the Board of Aldermen adopt the proposed amendments to the UDO based on NCGS 160-D, as indicated on "G.S. Chapter 160-D Checklist of Changes to Local Ordinances, Policies, and Practices." Mr. Fontana seconded the motion, motion passed unanimously, 4-0.

ATTACHMENTS

1. PROPOSED Ordinance Amending the Unified Development Ordinance of the Town Of North Topsail Beach, North Carolina to align with NCGS 160D.
2. UNC School of Government G.S. Chapter 160-D Checklist of Changes to Local Ordinances, Policies, and Practices (**NOTE: CROSS-REFERENCED TO UDO SECTIONS INDICATED BY RED TEXT**)
3. [Unified Development Ordinance \(amended, as indicated in Attachment 2\)](#).

**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE
OF THE TOWN OF NORTH TOPSAIL BEACH, NORTH CAROLINA**
to align with NCGS 160D

Ordinance 21-__

WHEREAS, updates to the Unified Development Ordinance to align the Town's development regulations with North Carolina General Statutes Chapter 160D are necessary for the Town's development regulations to continue operating in compliance with State law; and

WHEREAS, the Planning Board has reviewed the proposed standards and recommended approval of this ordinance; and

WHEREAS, the Board of Aldermen has found this ordinance to be consistent with the Town's adopted CAMA Land Use Plan and NCGS 160D; and

WHEREAS, the Board of Aldermen has determined that is in public interest to update the Unified Development Ordinance in compliance with the N.C. General Statutes.

NOW THEREFORE BE IT ORDAINED by the Board of Aldermen for the Town of North Topsail Beach, North Carolina that:

PART I. The Unified Development Ordinance be adopted, as amended; and

PART II. This ordinance shall be effective upon its adoption.

G.S. Chapter 160D Checklist of Changes to Local Ordinances, Policies, and Practices

August 2020 Update

This checklist outlines provisions in the new Chapter 160D of the North Carolina General Statutes (hereinafter G.S.) as well as related statutory changes that will be incorporated into Chapter 160D. The changes to the statutes affect the language of local ordinances, the options for local decision processes, and the administrative practices related to development regulations.

This checklist is one piece of a larger set of resources and training materials, including an explanatory book, *Chapter 160D: A New Land Use Law for North Carolina*. Each item on this checklist is described more thoroughly in those additional resources. Section headers in this checklist note the corresponding chapter and section of the Chapter 160D book [in brackets]. Check nc160D.sog.unc.edu for additional resources and training.

The checklist has specific notations, which are accompanied by specific icons, as follows:

- ☐ Denotes legislative changes for which local governments **must** take action (statutory citations are in parentheses) (Many changes may already be reflected in the local ordinance. If so, no additional change is necessary for the ordinance.)
- Denotes permissive legislative changes for which local governments **may** take action
- △ Denotes notable legislative changes that do not require local action but of which local governments must **be aware**

Session Law 2020-25 (S.B. 720) amended Chapter 160D to incorporate other legislative changes from 2019 and make technical corrections. Those changes are noted in this updated checklist with new language underlined and cut language shown with strikethrough. Notably, S.L. 2020-25 altered the effective date of Chapter 160D. All powers and actions authorized under Chapter 160D are available as of June 19, 2020 (local ordinances may be updated and made effective immediately), but local governments have until July 1, 2021, to update local ordinances and policies to comply with the requirements of Chapter 160D. For that reason, the asterisks from the original checklist are removed. For the time before a local government amends its ordinances to comply with Chapter 160D, the rules and requirements of Chapter 160A (for municipalities) or Chapter 153A (for counties) will effectively remain controlling for that local government.

~~*For items noted with an asterisk, local governments do not have authority for the change until January 1, 2021, unless legislation authorizes earlier effectiveness. Noted changes may be incorporated into ordinances and policies, but they must not be effective until 2021. All other changes may be adopted and effective immediately.~~

I. Terminology and Citations [Chapter 1, Section III]

- ☑ **Must** update any references to provisions in G.S. Chapter 160A or 153A to indicate relevant provisions in Chapter 160D. (See appendixes B and C in the Chapter 160D book.) **VARIOUS**
- ☑ **Must** align ordinance terminology with Chapter 160D terminology for *conditional zoning* and *special use permits*; must delete use of the terms *conditional use permit*, *special exception*, *conditional use district zoning*, and *special use district zoning*. (See G.S. 160D-102.) **VARIOUS**
- ☑ **Must** ensure that ordinance definitions for the following terms are not inconsistent with definitions provided in state law and regulation: *building*, *dwelling*, *dwelling unit*, *bedroom*, and *sleeping unit*. (G.S. 160D-706; S.L. 2019-111, § 1.17.) **ART 12 DEFINITIONS**
- ☑ **May** align ordinance terminology with Chapter 160D terminology, including for the following terms: *administrative decision*, *administrative hearing*, *determination*, *developer*, *development*, *development approval*, *development regulation*, *dwelling*, *evidentiary hearing*, *legislative decision*, *legislative hearing*, *planning and development regulation jurisdiction*, and *quasi-judicial decision*. (G.S. 160D-102.) **ART 12 DEFINITIONS**

II. Geographic Jurisdiction [Chapter 2, Section I]

- ~~For extension of extraterritorial jurisdiction (ETJ), a municipality **must** provide mailed notice thirty days prior to ETJ hearing; municipality **may** hold one hearing (with single mailed notice) regarding ETJ and initial zoning amendment. (G.S. 160D-202(d).)~~
- ~~Municipality **may** hold hearings in anticipation of change in jurisdiction. (G.S. 160D-204.)~~
- ~~For a parcel in two jurisdictions, the owner and the jurisdictions **may** agree for development regulations from one jurisdiction to apply to the entire parcel. (G.S. 160D-203.)~~
- ~~In ETJ, the county **may** elect to exercise development regulations that the municipality is not exercising. (G.S. 160D-202(b).)~~
- ~~For counties, the county **may** apply zoning and subdivision regulations to all or part of the county's planning and development regulation jurisdiction. Cities with zoning must apply zoning jurisdiction wide. (G.S. 160D-201; S.L. 2020-25.)~~

III. Boards [Chapter 2, Section II]

A. In General

- ☑ **Must** adopt broadened conflict-of-interest standards for governing and advisory boards. (G.S. 160D-109.) **§1.16**
- ☑ **Must** keep minutes of proceedings of each board. (G.S. 160D-308.) **§2.03.01; §1.15; §2.02.07**
- ☑ **Must** have each board member take an oath of office before starting his or her duties. (G.S. 160D-309.) **§1.14**

- ~~Must update ETJ population estimate, at least with each decennial census (also calculation for proportional representation is simplified and process for appointment is clarified). (G.S. 160D-307.)~~
- ~~Must provide proportional representation for ETJ on preservation commission if any districts or landmarks are designated in the ETJ. (G.S. 160D-307.)~~
- May** have detailed rules of procedure for each board; **may** be adopted by governing board; if not, then **may** be adopted by individual board; if adopted, **must** maintain board rules of procedure (by clerk or other officer as set by ordinance) and **must** post board rules of procedure to website, if the jurisdiction has a website. (G.S. 160D-308.) §1.15
- May** establish reasonable procedures to solicit, review, and make appointments; governing board typically makes appointments but may delegate that appointment-making authority. (G.S. 160D-310.) §1.15
- May** establish additional advisory boards related to development regulations. (G.S. 160D-306.) §2.04

B. Planning Board

- May** assign to planning board the coordination of citizen engagement for planning. (G.S. 160D-301.) §2.02.09 (B)
- May** assign planning board to serve as preliminary forum for review and comment on quasi-judicial decisions, provided that no part of the preliminary forum or recommendation may be used as a basis for the deciding board. (G.S. 160D-301.) §2.02.09 (F)

C. Board of Adjustment

- May** assign board of adjustment to hear and decide matters under any development regulation, not just zoning. (G.S. 160D-302.) §2.03.02
- ~~May assign duties of housing appeals board to board of adjustment. (G.S. 160D-305.)~~

IV. Land Use Administration [Chapter 2, Section III]

A. In General

- Must** incorporate new staff conflict-of-interest standards into ordinance or policy. (G.S. 160D-109.) §1.16
- Must** maintain in paper or digital format current and prior zoning maps for public inspection. (G.S. 160D-105.) §1.01 (B)
- Must** maintain in paper or digital format any state or federal agency maps incorporated by reference into the zoning map. (G.S. 160D-105.) §1.01 (B) (2)

- ✔ **May** enact ordinances, procedures, and fee schedules relating to administration and enforcement of development regulations. (G.S. 160D-402(b).) §2.05 (B)
- ✔ **May** charge reasonable fees for support, administration, and implementation of development regulation; **must** use any such fees for that purpose, not for other purposes. (G.S. 160D-402(d).) §2.05 (D)

B. Enforcement

- ✔ **Must** issue notices of violation (NOVs) in conformance with statutory procedures (must deliver to permittee and landowner if different; may deliver to occupant or person undertaking the activity; delivery by hand, email, or first-class mail; may be posted onsite; administrator to certify NOV for the file.) (G.S. 160D-404(a).) §2.17.01
- ✔ If inspecting, **must** enter the premises during reasonable hours and upon presenting credentials; **must** have consent of premises owner or an administrative search warrant to inspect areas not open to the public. (G.S. 160D-403(e).) §2.15 (E)
- ✔ For revocation of development approval, **must** follow the same process as was used for the approval. (G.S. 160D-403(f).) §2.15 (F)
- ✔ **May** perform inspections for other development approvals to ensure compliance with state law, local law, and the terms of the approval; **must** perform (or contract for) inspections for building permits. (G.S. 160D-1113; -403(e).) §2.15 (E)
- ✔ **May** perform inspections for general code compliance and enforcement (inspections unrelated to a development approval). (G.S. 160D-402(b).) §2.05 (B)
- ✔ **May** require a certificate of compliance or occupancy to confirm that permitted work complies with applicable laws and terms of the permit; still **must** require certificate of occupancy for work requiring a building permit. (G.S. 160D-403(g).) §10.08.06; §2.15 (G)
- ✔ **May** issue stop-work orders for illegal or dangerous work or activity, whether related to a permit or not. (G.S. 160D-404(b).) §2.17.02
- ✔ **May** continue to use general enforcement methods, including civil penalties, fines, court ordered actions, and criminal prosecution. (G.S. 160D-404(c).) §2.17.03
- △ **Be aware** that a local government must bring a court action in advance of the applicable five- and seven-year statutes of limitation. (G.S. 1-51 and -49; established prior to Chapter 160D.)
- △ **Be aware** that a local government must comply with existing rules for uses that were previously nonconforming situations. If a use loses its nonconforming status, by amortization or change of use or otherwise, the local government must bring an enforcement action within ten years of the loss of nonconforming status. (160D-1405(c1); established prior to Chapter 160D.)

V. Substance of Zoning Ordinance [Chapter 3, Section I]

- Must** maintain current and prior zoning maps for public inspection (local government clerk or other office may be the responsible office); **may** adopt and maintain in paper or digital format. (G.S. 160D-105.) **§1.01 (B) (1)**
- Must** eliminate conditional use district zoning; existing conditional use district zoning converts to conditional district ~~on January 1, 2021~~ upon adoption of updated local ordinances or July 1, 2021. (G.S. 160D-703; S.L. 2020-25; S.L. 2019-111, § 2.9(b).) **§3.03.03**
- Must** not set a minimum square footage for structures subject to the One- and Two-Family Residential Building Code. (G.S. 160D-703; S.L. 2019-174.)
- May** incorporate maps officially adopted by state or federal agencies (such as flood-insurance rate maps (FIRMs)) into the zoning map; **may** incorporate *the most recent officially adopted version* of such maps so that there is no need for ordinance amendment for subsequent map updates; **must** maintain current effective map for public inspection; **may** maintain in paper or digital format. (G.S. 160D-105.)
- May** require certain dedications and performance guarantees for zoning approvals to the same extent as for subdivision approvals. (G.S. 160D-702.)
- May** use form-based codes. (G.S. 160D-703(a)(3).)
- May** allow administrative minor modification of conditional zoning, special use permits, and other development approvals; if allowed, **must** define “minor modification” by ordinance, **must** not include modification of use or density, and major modifications **must** follow standard approval process. (G.S. 160D-403(d), -703(b), -705(c).)
- May** apply zoning standards jurisdiction-wide, not just on a zoning district by zoning district basis. (G.S. 160D-703(d).) **§3.02 (D)**
- May** regulate development over navigable waters, including floating homes. (G.S. 160D-702(a).)

VI. Substance of Other Development Ordinances [Chapter 3, Section II]

- Must** conform subdivision performance guarantee requirements with statutory standards. (G.S. 160D-804.1; S.L. 2020-25; S.L. 2019-79 (S.B. 313)), ~~to be incorporated into G.S. Chapter 160D-~~
- Must** conform subdivision procedures for expedited review of certain minor subdivisions. (G.S. 160D-802, established prior to G.S. Chapter 160D.) **§6.01.03; ART 11 "DEVELOPMENT"**
- Must** not require a developer, as a condition to subdivision approval, to bury a power line existing above ground and outside of property to be subdivided. (G.S. 160D-804; S.L. 2019-174.)

- Must** exempt farm use on bona fide farm in ETJ from city zoning to the same extent it would be exempt from county zoning; Chapter 160D clarifies that other municipal development regulations may still apply. (G.S. 160D-903(c).) **§4.03.23**
- Must** not exclude manufactured homes based on the age of the home. (G.S. 160D-910.)
- Must** follow standardized process for housing code enforcement to determine owner’s abandonment of intent to repair and need for demolition. (G.S. 160D-1203(6).) **§10.08.19 (B) (1)**
- May** adopt moratoria for development regulations (subject to limitation on residential uses); moratoria do not affect rights established by permit choice rule. (G.S. 160D-107.)
- Municipalities **may** petition court to appoint a receiver for vacant structures. (160D-1130.)

A. Historic Preservation

- ~~**Must** follow standard quasi-judicial procedures for preservation certificates of appropriateness. (G.S. 160D-947(c).)~~
- ~~**Must** frame preservation district provisions as “standards” rather than “guidelines.” (G.S. 160D-947(c).)~~
- ~~**May** choose for appeals of preservation commission decisions to go to board of adjustment. Default rule is that preservation appeals go directly to superior court rather than to board of adjustment. (G.S. 160D-947(e).)~~

B. Development Agreements

- Must** process a development agreement as a legislative decision. (G.S. 160D-105.)
ART 11 "Legislative Decision"; §2.13.05
- Must** have a local government as a party to a development agreement (a water and sewer authority may enter an agreement as a party, but not independently). (G.S. 160D-1001(b).) **§2.13.01 (B); (C)**
- May** consider a development agreement concurrently with a rezoning, subdivision, or site plan; **may** consider a development agreement in conjunction with a conditional zoning that incorporates the development agreement. (G.S. 160D-1001(d).) **§2.13.03 (B)**
- May** address fewer topics in development agreement content (list of mandated topics is shortened). (G.S. 160D-1006.) **§2.13.06 (A)**
- May** mutually agree with a developer for the developer to provide public improvements beyond what could have been required, provided such conditions are included in the development agreement. (G.S. 160D-1006(d).) **§2.13.06 (D)**
- May** include penalties for breach of a development agreement in the agreement or in the ordinance setting the procedures for development agreements; either party may bring legal action seeking an

injunction to enforce a development agreement. (G.S. 160D-1008.) **§2.13.08**

VII. Comprehensive Plan [Chapter 4, Section I]

- Must** adopt a comprehensive plan or land-use plan by July 1, 2022, to maintain zoning (no need to re-adopt a reasonably recent plan). (G.S. 160D-501(a).) **§1.07.02; ADOPTED 3/4/21; CERT 5/17/21**
- Must** adopt a plan or a plan update following the procedures used for a legislative decision. (G.S. 160D-501(c).) **§2.07.03 (A)**
- Must** reasonably maintain a plan. (G.S. 160D-501(a).) **§2.02.09 (A)**
- May** coordinate a comprehensive plan with other required plans, such as Coastal Area Management Act (CAMA) plans. (G.S. 160D-501(a).)
- May** coordinate with other local governments, state agencies, or regional agencies on planning processes. (G.S. 160D-503(a).)

VIII. Legislative Decisions [Chapter 4, Section II]

A. Notice

- Must** follow applicable procedures for legislative decisions under any development regulation authorized under Chapter 160D, not just zoning; **must** adopt any development regulation by ordinance, not by resolution. (G.S. 160D-601.) **§2.07.02 (B), (D); §3.08.04; §10.08.19**
- For zoning map amendments, **must** provide notice not only to immediate neighbors but also to properties separated from the subject property by street, railroad, or other transportation corridor. (G.S. 160D-602.) **§2.07.02 (A)**
- For zoning map amendments, **must** provide posted notice during the time period running from twenty-five days prior to the hearing until ten days prior to the hearing. (G.S. 160D-602(c).) **§2.07.02 (C)**
- For extension of ETJ, **may** use single mailed notice for ETJ and zoning-map amendment pursuant to statutory procedures. (G.S. 160D-202.)
- For zoning map amendments, **may** require applicant to notify neighbors and hold a community meeting and **may** require report on the neighborhood communication as part of the application materials. (G.S. 160D-602(e).)

B. Planning Board Comment

- Must** refer zoning amendments to the planning board for review and comment; **must** not have governing board handle planning board duty to review and comment on zoning amendments. (G.S. 160D-604(c), (e).) **§2.07.02 (E) (5)**

- ☑ **Must** have planning board consider any plan adopted according to G.S. 160D-501 when making a comment on plan consistency. (G.S. 160D-604(d).) §2.07.02 (E) (4)
- ☑ **May** refer development regulation amendments (other than zoning) to the planning board for review and comment. (G.S. 160D-604(c).) §2.07.02 (E) (3)

C. Plan Consistency

- ☑ When adopting an amendment to the zoning ordinance, **must** adopt a brief statement describing whether the action is consistent or inconsistent with approved plans. (G.S. 160D-605(a).) *(This eliminates the 2017 requirement that statements take one of three particular forms.)* §2.07.03 (A)
 - ☑ **May** adopt plan consistency statement when acting upon the zoning amendment or as a separate motion. (G.S. 160D-605(a).) §2.07.03 (A)
 - ☑ **May** meet the requirement for plan consistency even without formal adoption of a written statement if the minutes of the governing board meeting reflect that the board was fully aware of and considered the plan. (G.S. 160D-605(a).) §2.07.03 (A)
 - ☑ **May** concurrently consider a comprehensive plan amendment and a zoning amendment; must not require a separate application or fee for plan amendment. (G.S. 160D-605(a).) §2.07.03 (A)
- ☑ **Must** note on the applicable future land use map when a zoning map amendment is approved that is not consistent with the map; the future land use map is deemed amended when an inconsistent rezoning is approved. (G.S. 160D-605(a).) *(This clarifies that a rezoning inconsistent with a plan does not amend the text of the plan, but it does amend the future land use map.)* §2.07.03 (A)
- ☑ For a future land use map that is deemed amended, if it is a CAMA plan, then such amendment is not effective until it goes through the CAMA plan-amendment process. (G.S. 160D-501.) §2.07.03 (A)
- ☑ **Must** adopt a statement of reasonableness for zoning *map* amendments; for such statements, **may** consider factors noted in the statutes; **may** adopt a statement of reasonableness for zoning *text* amendments. (G.S. 160D-605(b).) §2.07.03 (B)
 - ☑ **May** consider and approve a statement of reasonableness and a plan consistency statement as a single, combined statement. (G.S. 160D-605(c).) §2.07.03 (C)

D. Voting

- ☑ **Must** permit adoption of a legislative decision for development regulation on first reading by simple majority; no need for two-thirds majority on first reading, as was required for cities under prior law. (G.S. 160A-75; S.L. 2019-111, § 2.5(n).) §2.07.03 (D)

E. Certain Legislative Decisions

- Must** prohibit third-party down-zonings; **may** process down-zonings initiated by the local government or landowner (G.S. 160D-601; S.L. 2019-111, Pt. I.) §2.07.01 (D)
- Must** obtain applicant's/landowner's written consent to conditions related to a conditional zoning approval to ensure enforceability. (G.S. 160D-703(b); S.L. 2019-111, Pt. I.) §2.07.02 (F)
- May** use purely legislative conditional zoning and/or quasi-judicial special use permitting; **must** not use combined legislative and quasi-judicial process, such as conditional use district zoning. (G.S. 160D-102.)
- With applicant's written consent, **may** agree to conditional zoning conditions that go beyond the basic zoning authority to address additional fees, design requirements, and other development considerations. (G.S. 160D-703(b); S.L. 2019-111, Pt. I.)
- May** allow administrative minor modification of conditional zoning, special use permits, and other development approvals; if allowed, **must** define "minor modification: by ordinance, **must** not include modification of use or density, and major modifications **must** follow standard approval process. (G.S. 160D-403(d), -703(b), -705(c).) §2.15 (D)

IX. Quasi-Judicial Decisions [Chapter 4, Section III]

A. Procedures

- Must** follow statutory procedures for all quasi-judicial development decisions, including variances, special use permits, certificates of appropriateness, and appeals of administrative determinations. (G.S. 160D-102(28).) §2.03.02; §2.03.03 (A);
- Must** hold an evidentiary hearing to gather competent, material, and substantial evidence to establish the facts of the case; the evidentiary hearing **must** have testimony under oath; **must** establish written findings of fact and conclusions of law. (G.S. 160D-406.) §2.03.03 (D); (G), (K)
- Board chair **must** rule at the evidentiary hearing on objections to inclusion or exclusion of administrative material; such ruling **may** be appealed to the full board. (G.S. 160D-406(d).) §2.03.03 (D)
- Must** allow parties with standing to participate fully in the evidentiary hearing, including presenting evidence, cross-examining witnesses, objecting to evidence, and making legal arguments; **may** allow non-parties to present competent, material, and substantial evidence that is not repetitive. (G.S. 160D-406(d).) §2.03.03 (D)
- May** continue an evidentiary hearing without additional notice if the time, date, and place of the continued hearing is announced at a duly noticed hearing that has been convened; if quorum is not present at a meeting, the evidentiary hearing is automatically continued to the next regular meeting of the board with no notice. (G.S. 160D-406(b).) §2.03.03 (B)

- ✔ **May** distribute meeting packet to board members in advance of the evidentiary hearing; if this is done, then **must** distribute the same materials to the applicant and landowner at the same time; **must** present such administrative materials at the hearing and make them part of the hearing record. (G.S. 160D-406(c).) §2.03.03 (C)
- ✔ **May** have the planning board serve as a preliminary forum for review in quasi-judicial decisions; if this is done, the planning board must not conduct a formal evidentiary hearing, but must conduct an informal preliminary discussion of the application; the forum and recommendation must not be used as the basis for the decision by the board—the decision must still be based on evidence presented at the evidentiary hearing. (G.S. 160D-301.) §2.02.09 (F)
- **May** require recordation of special use permits with the register of deeds. (G.S. 160D-705(c).)
- △ **Be aware** that the definition of *close family relationship* as used for conflicts of interest includes spouse, parent, child, brother, sister, grandparent, or grandchild (including step, half, and in-law relationships). (G.S. 160D-109(f).)
- △ **Be aware** that even if there is no objection before the board, opinion testimony from a lay witness shall not be considered competent evidence for technical matters such as property value and traffic impacts. (S.L. 2019-111, § 1.9.)

B. Certain Quasi-Judicial Decisions

- ✔ **Must** not impose conditions on special use permits that the local government does not otherwise have statutory authority to impose. (G.S. 160D-705(c); S.L. 2019-111, Pt. I.) §2.20 (D) (6)
- ✔ **Must** obtain applicant’s/landowner’s written consent to conditions related to a special use permit to ensure enforceability. (G.S. 160D-1402(k); G.S. 160D-1403.2; S.L. 2019-111, Pt. I.) §2.20 (D) (6)
- ✔ **Must** set a thirty-day period to file an appeal of any administrative determination under a development regulation; **must** presume that if notice of determination is sent by mail, it is received on the third business day after it is sent. (G.S. 160D-405(c).) §203.05 (C)
- ✔ **May** adjust variance standards to provide for reasonable accommodation under the federal Fair Housing Act. (G.S. 160D-705(c).) §2.03.04 (A) (2)
- **May** use purely legislative conditional zoning and/or quasi-judicial special use permitting; **must** not use combined legislative and quasi-judicial process, such as conditional use district zoning. (G.S. 160D-102.)
- ✔ **May** allow administrative minor modification of conditional zoning, special use permits, and other development approvals; if allowed, **must** define “minor modification” by ordinance, **must** not include modification of use or density, and major modifications **must** follow standard approval process. (G.S. 160D-403(d), -703(b), -705(c).) §2.15 (D)

X. Administrative Decisions [Chapter 4, Section IV]

A. Development Approvals

- Must** provide development approvals in writing; **may** provide in print or electronic form; if electronic form is used, then it **must** be protected from further editing. (G.S. 160D-403(a).) **§2.15 (A)**
- Must** provide that applications for development approvals must be made by a person with a property interest in the property or a contract to purchase the property. (G.S. 160D-403(a).) **§2.15 (A)**
- Must** provide that development approvals run with the land. (G.S. 160D-104.) **§1.11**
- For revocation of development approval, **must** follow the same process as was used for the approval. (G.S. 160D-403(f).) **§2.12 (E); §2.15 (F)**
- May** require community notice or informational meetings as part of the decision-making process for administrative development approvals (quasi-judicial and legislative decisions already had notice and hearing requirements). (G.S. 160D-403(h).)
- May** set expiration of development approvals if work is not substantially commenced; default rule is twelve months, unless altered by state or local rule. (G.S. 160D-403(c).) Building permits expire after six months, as under prior law (no change to building permits). (G.S. 160D-1111.) **§2.15 (C)**
- May** extend expiration for development approvals for which construction is commenced and then is discontinued; default rule is that such approvals are valid for 24 months after discontinuation. (G.S. 160D-108(d).) Building permits for which work has been discontinued expire after twelve months, as under prior law (no change to building permits). (G.S. 160D-1111.) ~~**May** set expiration of development approvals if work is discontinued; default rule is twelve months, unless altered by state or local rule. (G.S. 160D-403(c).) **Be aware** that legislation will clarify the provisions on duration of development approvals. (G.S. 160D-403(c); S.L. 2019-111, § 1.3.)~~ **§2.15 (C)**
- May** authorize administrative staff to approve minor modifications of development approvals and conditional-zoning approvals; if this is done, then **must** define “minor modifications” by ordinance and **must** not include modification of permitted use or density of development; major modifications **must** go through full applicable approval process. (G.S. 160D-403(d); -703(b); -705(c).) **§2.15 (D)**

B. Determinations

- Must** provide written notice of determination by personal delivery, electronic mail, or first-class mail to the property owner and party seeking determination, if different from the owner. (G.S. 160D-403(b).) **§2.03.05 (C); §2.15 (B) (1)**
- May** designate an official to make determinations for a particular development regulation. (G.S. 160D-403(b).) **§2.15 (B)**

- ☑ **May** require owner to post notice of determination on the site for ten days; if such is not required, then owner has option to post on the site to establish constructive notice. (G.S. 160D-403(b).) §2.15 (B) (3)

C. Appeals of Administrative Decisions

- ☑ **Must** allow administrative decisions of any development regulations (not just zoning) to be appealed to the board of adjustment, unless provided otherwise by statute or ordinance. (Appeals relating to erosion and sedimentation control, stormwater control, or building code and housing code violations are not made to the board of adjustment unless specified by local ordinance.) (G.S. 160D-405.) §2.03.05
- ☑ **Must** set a thirty-day period to file an appeal of any administrative determination under a development regulation; must presume that if notice of determination is sent by mail, it is received on the third business day after it is sent. (G.S. 160D-405(c).) §2.03.05 (C)
- ☑ **Must** require the official who made the decision (or his or her successor if the official is no longer employed) to appear as a witness in the appeal. (G.S. 160D-406.) §2.03.03 (F)
- ☑ **Must** pause enforcement actions, including fines, during the appeal. (G.S. 160D-405.) §2.03.03 (E); (F)
- ☑ **May** assign the duty of hearing appeals to another board (other than the board of adjustment); if this is done, such board must follow quasi-judicial procedures. (G.S. 160D-405.) §2.03.03; §2.03.05 (A)
- **May** designate that appeals be filed with the local government clerk *or* another official. (G.S. 160D-405.) §2.03.05 (B)

XI. Vested Rights and Permit Choice [Chapter 5, Section I]

A. Vested Rights

- ☑ **Must** recognize that building permits are valid for six months, as under prior law. (G.S. 160D-1111 ~~G.S. 160D-108(d)(1).~~) §10.08.11
- ☑ **Must** recognize the default rule that development approvals/permits are valid for twelve months, unless altered by statute or extended by local rule ~~adjusted by statute or local rule.~~ (G.S. 160D-108(d)(2).) §2.15 (C); §2.11 (D) (1)
- ☑ **Must** identify site-specific vesting plans (formerly site-specific development plans) with vesting for two to five years, as under prior law, except for specified exceptions. (G.S. 160D-108.1 ~~G.S. 160D-108(d)(3); -108(f).~~) §2.12 (F);
- ☑ **Must** recognize multi-phase developments—long-term projects of at least 25 acres—with vesting up to seven years, except for specified exceptions (160D-108(c)(~~d~~)(4); -108(f).) (The previously authorized phased-development plan is obsolete and should be deleted from ordinance.) §2.11 (J);
- ☑ **May** provide for administrative determination of vested rights and for appeal to the board of adjustment. (G.S. 160D-108(h)(~~e~~), -405.) §2.11 (C) (H)

- △ **Be aware** that a person claiming vested rights may bring an original civil action in court, skipping administrative determination and board of adjustment consideration. (G.S. 160D-108(h); 160D-405(c).)
- △ **Be aware** that vested rights run with the land, except for state-permitted outdoor advertising permits that run with the owner of the permit. (G.S. 160D-108(i)(g); S.L. 2019-111, Pt. I.)

B. Permit Choice

- **Must** not make an applicant wait for final action on the proposed change before proceeding if the applicant elected determination under prior rules. (G.S. 143-755; G.S. 160D-108(b).) **§2.11 (B)**;
- △ **Be aware** that if a local development regulation changes after an application is submitted, the applicant may choose the version of the rule that applies; but **may** require the applicant to comply with new rules if the applicant delays the application for six months. (G.S. 143-755; G.S. 160D-108(b); S.L. 2019-111, Pt. I.)
- △ **Be aware** that an application for one development permit triggers permit choice for permits under any development regulation; such permit choice is valid for eighteen months after approval of the initial application. (G.S. 143-755; G.S. 160D-108(b); S.L. 2019-111, Pt. I.)

XII. Judicial Review [Chapter 5., Section II]

A. Declaratory Judgments

- △ **Be aware** that an individual may bring a declaratory judgment action to challenge legislative zoning decisions, vested rights claims, and challenges to land use authority related to administrative decisions, subject to specified procedures. (G.S. 160D-1401; G.S. 160D-1403.1)
- △ **Be aware** that other civil actions may be authorized—G.S. Chapter 160D does not limit availability of other actions. (G.S. 160D-1404.)

B. Appeals of Quasi-Judicial Decisions

- ~~**Must** update ordinance to address appeals of certificates of appropriateness for historic landmarks and historic districts; default rule is that such appeals go straight to court; local government may opt for such appeals to go to the board of adjustment, as under prior statutes. (G.S. 160D-947.)~~
- ~~**Must** provide that appeals of certificates of appropriateness must be filed within thirty days after the decision is effective or written notice is provided, the same as for appeals of other quasi-judicial decisions. (G.S. 160D-947; 1405.)~~
- △ **Be aware** that on appeal a party may request a stay of the approval or enforcement action. (G.S. 160D-1402(e).)

- △ **Be aware** that a local government may seek a stay in favor of itself (to prevent development under an approval). (G.S. 160D-1402(e).)
- △ **Be aware** that if, in the absence of a stay, an applicant proceeds with development, the person does so at his or her own risk. (G.S. 160D-1402(l).)
- △ **Be aware** that on appeal, the superior court now must allow for supplementing the record on questions of standing, conflicts of interest, constitutional violations, or actions in excess of statutory authority. (G.S. 160D-1402; S.L. 2019-111, § 1.9.)
- △ **Be aware** that even if there is no objection before the board, opinion testimony from a lay witness shall not be considered competent evidence for technical matters such as property value and traffic impacts. (G.S. 160D-1402; S.L. 2019-111, § 1.9.)
- △ **Be aware** of specific judicial instructions for decisions of appeals of quasi-judicial decisions. (G.S. 160D-1402(k); S.L. 2019-111, § 1.9.)

C. Subdivision Decisions

- **May** establish a rule that administrative subdivision decisions are appealed to the board of adjustment. (G.S. 160D-1405.)
- △ **Be aware** that appeals of administrative subdivision decisions may be appealed directly to superior court. (G.S. 160D-1403.)
- △ **Be aware** that quasi-judicial subdivision decisions are appealed to superior court in the nature of certiorari. (G.S. 160D-1402.)

D. Attorneys' Fees

- △ **Be aware** that a court *shall* award attorneys' fees if the court finds that a city or county violated a statute or case law setting forth unambiguous limits on its authority. (G.S. 6-21.7; S.L. 2019-111, Pt. I.)
- △ **Be aware** that a court *shall* award attorneys' fees if the court finds that a local government took action inconsistent with, or in violation of, the permit choice ~~and vested rights~~ statutes. (G.S. 6-21.7; S.L. 2019-111, Pt. I.)
- △ **Be aware** that a court *may* award attorneys' fees in other matters of local government litigation. (G.S. 6-21.7; S.L. 2019-111, Pt. I.)

E. Additional Judicial Rules

- △ **Be aware** that a court may join a civil action challenging an ordinance with an appeal in the nature of certiorari. (G.S. 160D-1402(m).)

- △ **Be aware** that a local government **must** not assert the defense of estoppel to enforce conditions to which an applicant did not consent in writing. (G.S. 160D-1403.2; S.L. 2020-25; S.L. 2019-111, Pt. I.)

- △ **Be aware** that an action is not rendered moot if the party loses the relevant property interest as a result of the local government action being appealed, subject to applicable case law limits. (G.S. 160D-1402(j1); S.L. 2019-111, Pt. I.)

Town of North Topsail Beach

Joann M. McDermon, Mayor
Mike Benson, Mayor Pro Tem

Aldermen:
Richard Grant
Tom Leonard
Susan Meyer



Chief Younginer
Town Manager

Sherrie L. Hancock
Town Clerk

Nature's Tranquil Beauty

Board of Aldermen Special Meeting Minutes Monday, June 14, 2021 1:00-3:00 PM North End Fire Station, 2049 New River Inlet Road

Attending included: Alderman Grant, Alderman Leonard, Alderman Meyer, Mayor McDermon, Mayor Pro Tem Benson, Town Manager Younginer, Town Clerk Sherrie Hancock.

- I. The Meeting was called to order at 1:06 P.M.
- II. Approval of Agenda-
Motion was made by Alderman Meyer to approve the agenda and move the MSD's item to a special meeting on June 25th 2021. Motion was seconded by Alderman Leonard, vote passed 4-0.
- III. Budget FY 2021-2022 Workshop II-
Mayor McDermon thanked Department Heads and staff for being at the meeting to answer questions if needed. Finance Officer, Elliott Reviewed the North Topsail Beach tax levy projection revenues which was handed out to the Mayor and Board, along with the proposed budget for FY 2021-2022. Both documents handed out to Alderman and Mayor are attached. Mayor and Board agreed to go page by page over the proposed agenda. Finance Officer, Elliott explained that the Fund 30 pays back the USDA loan (Federal Project). Fund 12 is something new

that she created for capital improvement. Items such as the public safety building and new ladder truck.

In Discussion on raising taxes the board voted 3-1 in favor of keeping taxes as is at this time.

In reviewing of the proposed budget there were several Items that needed to be followed up on before our next meeting Scheduled for June 18, 2021, at 10:00 A.M. The board agreed to move the tax increase discussion until the June 18th, 2021, meeting.

Mayor and Board agreed to take a short recess starting at 2:36P.M. Re-entering at 2:48 P.M.

After re-entering the meeting, the Board went in to closed session. Motion was made by Alderman Grant to go into closed session , seconded by Alderman Leonard, Board voted 4-0.

Motion was made to come out of closed session by Alderman Leonard, seconded by Mayor Pro Tem Benson board voted 4-0. No Action was taken in closed session.

Meeting was continued until June 18, 2021, 10:00 A.M. Motion made by Mayor Pro Tem Benson, seconded by Alderman Leonard, vote 4-0.

*Next Special Meeting will be June 18th, 2021 at North End Fire Station, 2049 New River Inlet Road.

Town of North Topsail Beach

Joann M. McDermon, Mayor
Mike Benson, Mayor Pro Tem

Aldermen:
Richard Grant
Tom Leonard
Susan Meyer



Chief William Younginer
Interim Town Manager

Sherrie H. Hancock
Town Clerk

Nature's Tranquil Beauty

North Topsail Beach Board of Aldermen Special Meeting Draft Minutes Tuesday, June 22, 2021, at 1:00 p.m. North End Fire Station 2049 New River Inlet Road North Topsail Beach, NC 28460

Present: Mayor McDermon, Mayor Pro Tem Benson, Alderman Grant, Alderman Leonard, Alderman Meyer, Interim Town Manager Younginer, Finance Officer Elliott, Public Works Director Anders, Planning Director Hill, Deputy Town Clerk Winzler, Attorney Edes (via Zoom).
Absent: None.

CALL TO ORDER: Mayor McDermon called the meeting to order at 1:00 p.m.

ADOPTION OF AGENDA: Alderman Leonard made a motion to amend the agenda by removing items 4 and 5 and adopt the amended agenda. Alderman Grant seconded the motion. The motion passed unanimously, 4-0.

PUBLIC HEARING ON FY 2021-2022 BUDGET:

Mayor McDermon invited Finance Director Elliot to present the Budget Message for Fiscal Year 2021-2022. Finance Director Elliott reviewed the message as presented.

Alderman Grant noted the five-cent increase in the tax rate and a typo on the last page of the notice.

Alderman Leonard asked Ms. Elliot for the occupancy tax figure generated this year. Finance Director Elliott stated that she would look it up and share it with the Board. Mayor McDermon noted that there may be a slowdown in occupancy taxes generated in FY 2021-2022. Alderman Leonard offered the occupancy tax revenue may not slow down given the current new construction.

Mayor Pro Tem Benson asked for Ms. Elliott's comments on the Fee Schedule. Finance Director Elliott pointed out the increase in property tax, addition of a new Fire Department schedule of fees, and a new parking fee schedule. Mayor McDermon requested confirmation that the new Fire Department fees were primarily commercial. Ms. Elliott agreed so.

Alderman Leonard made a motion to open the public hearing at 1:13 p.m. Alderman Meyer seconded the motion. The motion passed unanimously, 4-0.

No one came forward to speak.

Alderman Grant made a motion to close the public hearing at 1:14 p.m. Mayor Pro Tem Benson seconded the motion. The motion passed unanimously, 4-0.

Alderman Leonard made a motion to approve the budget as presented today. Mayor Pro Tem Benson seconded the motion. The motion passed unanimously, 4-0.

Attorney Edes recommended that the Board of Aldermen schedule a second special meeting for the creation of a Municipal Service District prior to the end of the current fiscal year, to be effective in the following fiscal year. Because of the uniqueness of the MSD general statute, it must be voted upon twice. The Board decided to schedule the second MSD Special Meeting at 10:00 a.m. Monday, June 28, 2021, at the North End Fire Station, 2049 New River Inlet Road, North Topsail Beach, NC 28460.

ADJOURNMENT Alderman Meyer made a motion to adjourn. Alderman Grant seconded the motion. The motion passed unanimously, 4-0.

The Board of Aldermen special meeting adjourned at 1:18 p.m.

BOARD OF ALDERMEN MEMORANDUM

TO: MAYOR MCDERMON AND ALDERMEN

FROM: Caitlin Elliott, Finance Officer

SUBJECT: Monthly Financial Report

DATE: June 24, 2021

The following events occurred during the month of June 2021 in the Finance Department:

- As of June 22nd, fiscal year 20201-22 budget was passed by the Board. Finance will be implementing the new budget as well as conducting end of year fiscal tasks during the end of June and beginning of July.
- The Town's annual payment to the USDA loan was made on June 1st. This loan was for a shoreline improvement project for additional sand in Phase 5 that was for \$16,815,000 back in 2015.
- The final reimbursement from the FEMA Hurricane Matthew Beach Renourishment project was received! After months of waiting, we finally received the \$1,033,048 reimbursement.
- No changes regarding the FEMA Town Park project. We are continuing to reach out seeking conclusion and reimbursement. FEMA is completely backlogged, and it may still be a couple of months before we receive the reimbursement from what I have been told.
- This month's packet contains a current Budget to Actual Report as well as a graph for the period. Please note that adjustments will be made for end of year procedures.
- Mays's revenue collections for paid parking, received in June, brought in \$148,068.
- We have collected \$153,800.04 for Occupancy Taxes so far during June from rentals during the month of May. The report is attached. For revenue comparisons, last year we collected just over \$62,000 during the same period.
- During June we have processed approximately \$794,193 in accounts payable and a copy of the check registers is enclosed for review.
- We received approximately \$3,245 for Ad Valorem taxes during the period of May 28th – June 23rd.
- Received \$6,444.60 in Motor Vehicle Taxes for the period of May.

- This month we received \$248,041.31 for Sales and Use Tax, for April collections. Year to date we have received a total of \$2,420,223.69. We also received the quarterly Utility Franchise Tax in the amount of \$76,925.97.
- For the knowledge of the board, the Town is acquiring the volunteer rescue squad as of July 1, 2021, that has previously been funded by Onslow County. Due to lack of funding Onslow County is no longer contributing so the Town will be acquiring all assets. If any questions, please see Chief Soward.

If anyone has any questions, concerns, or needs additional information, please do not hesitate to ask!

Respectfully submitted,

A handwritten signature in cursive script that reads "Caitlin Elliott".

Caitlin Elliott
Finance Officer

Budget vs Actual

NORTH TOPSAIL BEACH
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Period Ending 6/30/2021

10 GENERAL FUND							
Description	Budget	Encumbrance	MTD	YTD	Variance	Percent	
Revenues							
10-301-00 AD VALOREM TAX - Current Year	2,594,543	0.00	857.74	2,539,508.22	(55,034.78)	98%	
10-301-01 AD VALOREM TAX - Prior Years	50,000	0.00	198.01	41,284.72	(8,715.28)	83%	
10-301-02 AD VALOREM TAX - MOTV	55,000	0.00	6,443.88	67,198.44	12,198.44	122%	
10-301-05 BEACH RENRSH/DUNE STAB	0	0.00	0.00	0.00	0.00		
10-317-00 AD VALOREM TAX Penalties	3,500	0.00	7.64	2,133.49	(1,366.51)	61%	
10-317-01 COUNTY TOURISM GRANT	50,000	0.00	0.00	19,518.76	(30,481.24)	39%	
10-325-00 PRIVILEGE LICENSES	100	0.00	0.00	0.00	(100.00)		
10-328-00 CABLE FRANCHISE	0	0.00	0.00	0.00	0.00		
10-329-00 INTEREST	75,000	0.00	194.70	15,071.42	(59,928.58)	20%	
10-330-00 LOAN PROCEEDS	0	0.00	0.00	0.00	0.00		
10-330-01 P&L INSURANCE PROCEEDS	79,713	0.00	2,380.75	4,139.26	(75,573.52)	5%	
10-335-00 MISCELLANEOUS	8,100	0.00	96.00	3,586.68	(4,513.32)	44%	
10-335-01 MEETING ROOM	0	0.00	0.00	0.00	0.00		
10-335-02 Shotgun Reimbursement	0	0.00	0.00	0.00	0.00		
10-335-03 STATE REIMBURSEMENTS	12,564	0.00	0.00	12,563.89	0.00	100%	
10-335-05 DEBT SETOFF	0	0.00	0.00	0.00	0.00		
10-335-06 RACE INCOME	0	0.00	0.00	0.00	0.00		
10-336-03 SEA OATS COST SHARE PROGRAM	20,000	0.00	0.00	0.00	(20,000.00)		
10-336-06 DONATIONS-BEAUTIFICATION	0	0.00	0.00	0.00	0.00		
10-336-07 Town Apperal Purchases	0	0.00	0.00	10.00	10.00		
10-336-08 NTB HOLIDAY DONATIONS	769	0.00	0.00	768.86	0.00	100%	
10-337-00 UTILITIES FRANCHISE TAX	298,000	0.00	76,925.97	299,390.40	1,390.40	100%	
10-341-00 BEER & WINE TAX	3,500	0.00	0.00	3,354.53	(145.47)	96%	
10-343-00 POWELL BILL ALLOCATIONS	26,300	0.00	0.00	24,787.81	(1,512.19)	94%	
10-345-00 LOCAL OPTION SALES TAX	1,412,501	0.00	184,790.78	1,803,066.66	390,565.66	128%	
10-347-02 SOLID WASTE DISP TAX	500	0.00	0.00	589.31	89.31	118%	
10-349-00 MOSQUITO CONTROL GRANT	0	0.00	0.00	0.00	0.00		

Budget vs Actual

NORTH TOPSAIL BEACH
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Period Ending 6/30/2021

10 GENERAL FUND							
Description	Budget	Encumbrance	MTD	YTD	Variance	Percent	
10-350-00 RECREATION -RENTAL FEES	1,000	0.00	420.00	1,120.00	120.00	112%	
10-350-01 Paid Parking Revenue	100,000	0.00	0.00	119,209.07	19,209.07	119%	
10-351-01 OFFICER CITATIONS & COURT	20,000	0.00	450.80	16,674.80	(3,325.20)	83%	
10-351-02 POLICE ESHARE ACCOUNT	1,250	0.00	0.00	0.00	(1,250.00)		
10-351-03 BODY ARMOR REIMBURSEMENT	2,000	0.00	0.00	0.00	(2,000.00)		
10-352-01 FIRE FINES & VIOLATIONS	2,000	0.00	0.00	20.00	(1,980.00)	1%	
10-352-02 PARKING/CODE ENFORCEMENT FINES	6,000	0.00	250.00	2,650.00	(3,350.00)	44%	
10-352-03 PLANNING DEPT. FEES	1,000	0.00	800.00	6,150.00	5,150.00	615%	
10-355-00 BUILDING PERMITS	70,000	0.00	4,632.75	85,327.60	15,327.60	122%	
10-355-01 MECHANICAL PERMITS	15,000	0.00	2,240.00	19,115.00	4,115.00	127%	
10-355-02 ELECTRICAL PERMITS	18,000	0.00	490.00	14,244.00	(3,756.00)	79%	
10-355-03 PLUMBING PERMITS	8,000	0.00	70.00	2,870.00	(5,130.00)	36%	
10-355-04 INSULATION PERMITS	1,000	0.00	0.00	560.00	(440.00)	56%	
10-355-05 HOMEOWNERS RECOVERY FEE	200	0.00	30.00	372.00	172.00	186%	
10-355-06 TECHNOLOGY FEE	6,500	0.00	425.63	6,958.78	458.78	107%	
10-355-07 REINSPECTION FEE/FINES	2,500	0.00	75.00	2,750.00	250.00	110%	
10-355-08 OCCUPANCY TAX ADM	0	0.00	0.00	125.00	125.00		
10-357-08 ZONING PERMITS	16,000	0.00	1,450.00	22,275.00	6,275.00	139%	
10-359-00 REFUSE COLLECTION FEES	482,706	0.00	39,655.50	441,029.06	(41,676.94)	91%	
10-359-01 REFUSE COLLECT PRIOR YEAR	300	0.00	0.00	0.00	(300.00)		
10-359-50 VACANT LOT SWF	10,000	0.00	425.00	11,675.00	1,675.00	117%	
10-359-51 ADD'L CART SWF	1,000	0.00	400.00	2,400.00	1,400.00	240%	
10-359-52 ADD'L CART RECYCLING	1,000	0.00	240.00	3,440.00	2,440.00	344%	
10-367-01 SALES TAX REFUNDS	25,000	0.00	0.00	19,359.80	(5,640.20)	77%	
10-367-02 REIMB. PW FROM BF	0	0.00	0.00	0.00	0.00		
10-368-00 OTHER STATE REVENUES	112	0.00	0.00	(11,037.79)	(11,149.51)	-9880%	
10-368-01 GRASS MOWING REIMB	7,950	0.00	0.00	7,952.46	2.46	100%	
10-368-02 GRANT FUNDS	179,000	0.00	0.00	58,766.00	(120,234.00)	33%	

Budget vs Actual

NORTH TOPSAIL BEACH
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Period Ending 6/30/2021

10 GENERAL FUND							
Description	Budget	Encumbrance	MTD	YTD	Variance	Percent	
10-382-00 SALE OF LESO ASSETS	4,426	0.00	0.00	4,426.00	0.00	100%	
10-383-00 SALE OF FIXED ASSETS	20,000	0.00	0.00	25,279.00	5,279.00	126%	
10-383-01 HURRICANE REIMBURSEMENT	0	0.00	0.00	46,219.87	46,219.87		
10-383-02 SPECIAL ASSESSMENT	0	0.00	0.00	0.00	0.00		
10-383-03 SPEC ASSESSMENT-EXT	0	0.00	0.00	0.00	0.00		
10-384-00 REIMBURSEMENT FROM F30	0	0.00	0.00	0.00	0.00		
10-399-00 APPROP. FUND BALANCE	0	0.00	0.00	0.00	0.00		
10-399-01 T/I CAPITAL RESERVE FUND	0	0.00	0.00	0.00	0.00		
10-399-02 T/I OTHER FUNDS	0	0.00	0.00	0.00	0.00		
Revenues Totals:	5,692,033	0.00	323,950.15	5,746,903.10	54,869.85	101%	
Expenses							
10-410-02 SALARIES	36,000	0.00	2,500.00	34,500.00	1,500.00	96%	
10-410-04 PROFESSIONAL SERVICES	45,112	0.00	2,041.40	65,110.80	(19,999.08)	144%	
10-410-05 FICA TAX EXPENSE	4,410	0.00	191.25	2,639.25	1,770.75	60%	
10-410-14 TRAVEL-TRAINING	2,000	0.00	0.00	0.00	2,000.00		
10-410-31 Gas, Oil, & Tires	0	0.00	0.00	0.00	0.00		
10-410-33 DEPARTMENTAL SUPPLIES	250	0.00	0.00	185.60	64.40	74%	
10-410-42 CHARTER CODES SERVICE	3,300	0.00	0.00	3,137.06	162.94	95%	
10-410-43 AUDITOR	16,700	0.00	0.00	16,616.10	83.90	99%	
10-410-45 TAX COLLECTION FEES	38,000	0.00	3,302.55	43,181.02	(5,181.02)	114%	
10-410-50 DONATIONS OTHER AGENCIES	18,000	0.00	0.00	5,175.00	12,825.00	29%	
10-410-51 NTB HOLIDAY DONATIONS	769	0.00	0.00	709.21	59.65	92%	
10-410-53 DUES & SUBSCRIPTIONS	2,500	0.00	0.00	1,776.60	723.40	71%	
10-410-54 DONATION FOR CFCC ROAD	0	0.00	0.00	0.00	0.00		
10-410-57 MISCELLANEOUS	2,500	0.00	485.98	1,715.89	784.11	69%	
10-410-58 TAX REFUNDS	1,500	0.00	440.39	1,242.02	257.98	83%	
10-410-61 LITIGATION	0	0.00	0.00	0.00	0.00		
10-410-80 STORM DAMAGE	0	0.00	0.00	0.00	0.00		
10-410-95 BOARD EXPENSE ACCOUNT	3,600	0.00	0.00	2,634.28	965.72	73%	

Budget vs Actual

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GOVERNING BODY Totals:	174,641	0.00	8,961.57	178,622.83	(3,982.25)	102%
10-420-02 SALARIES	320,000	0.00	25,730.10	338,285.78	(18,285.78)	106%
10-420-03 SALARY ADJUSTMENTS	0	0.00	0.00	0.00	0.00	
10-420-05 FICA	24,480	0.00	1,918.03	24,976.87	(496.87)	102%
10-420-06 GROUP INSURANCE	38,750	0.00	2,376.40	35,288.62	3,461.38	91%
10-420-07 ORBIT RETIREMENT (10.3%)	32,960	0.00	1,623.18	30,881.52	2,078.48	94%
10-420-08 401K (3%)	9,600	0.00	418.56	8,241.78	1,358.22	86%
10-420-09 TOWN INSURANCE HRA	20,000	0.00	1,996.85	18,982.87	1,017.13	95%
10-420-10 EMPLOYEE TRAINING	6,000	0.00	0.00	3,337.00	2,663.00	56%
10-420-11 POSTAGE	2,000	0.00	0.00	2,683.80	(683.80)	134%
10-420-12 MANAGER EXPENSE ACCT	1,000	0.00	0.00	200.03	799.97	20%
10-420-13 TUITION REIMBURSEMENT	2,500	0.00	0.00	0.00	2,500.00	
10-420-15 BANK CHARGES	1,500	0.00	284.49	2,475.34	(975.34)	165%
10-420-16 M & R EQUIPMENT	1,500	0.00	0.00	431.91	1,068.09	29%
10-420-17 M & R VEHICLE	1,000	0.00	0.00	0.00	1,000.00	
10-420-18 CONSUMABLES	4,000	0.00	0.00	1,366.72	2,633.28	34%
10-420-26 ADVERTISING	2,000	0.00	0.00	1,188.23	811.77	59%
10-420-31 GAS, OIL & TIRES	1,000	0.00	0.00	716.77	283.23	72%
10-420-32 OFFICE SUPPLIES	1,500	0.00	0.00	1,509.76	(9.76)	101%
10-420-33 DEPART SUPPLIES/MATERIALS	5,000	0.00	0.00	2,032.00	2,968.00	41%
10-420-34 TOWN APPAREL EXPENSE	500	0.00	0.00	0.00	500.00	
10-420-45 CONTRACTED SERVICES	45,000	0.00	0.00	52,173.50	(7,173.50)	116%
10-420-53 DUES & SUBSCRIPTIONS	4,500	0.00	0.00	5,567.45	(1,067.45)	124%
10-420-57 MISCELLANEOUS	13,064	0.00	(469.86)	324.34	12,739.55	2%
10-420-58 PERFORMANCE PAY BONUSES	10,000	0.00	195.00	4,605.00	5,395.00	46%
10-420-74 CAPITAL OUTLAY	0	0.00	0.00	0.00	0.00	
10-420-75 DEBT SERVICE	0	0.00	0.00	0.00	0.00	
10-420-76 LEASE PAYMENTS	27,500	0.00	0.00	26,241.26	1,258.74	95%
10-420-80 STORM DAMAGE	0	0.00	0.00	0.00	0.00	
10-420-93 EMPLOY SECURITY COMM	0	0.00	0.00	0.00	0.00	
ADMINISTRATION Totals:	575,354	0.00	34,072.75	561,510.55	13,843.34	98%

Budget vs Actual

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10 GENERAL FUND							
Description	Budget	Encumbrance	MTD	YTD	Variance	Percent	
10-430-57 ELECTION EXPENSES	0	0.00	0.00	0.00	0.00	0.00	
ELECTIONS Totals:	0	0.00	0.00	0.00	0.00	0.00	
10-490-02 SALARIES	84,000	0.00	6,414.78	83,536.40	463.60	99%	
10-490-03 PART TIME SALARIES	13,000	0.00	962.22	12,899.84	100.16	99%	
10-490-05 FICA	7,421	0.00	564.35	7,377.46	43.04	99%	
10-490-06 GROUP INSURANCE	8,000	0.00	594.10	8,300.33	(300.33)	104%	
10-490-07 ORBIT RETIREMENT (10.3%)	8,652	0.00	661.36	8,612.61	39.39	100%	
10-490-08 401K (3%)	2,520	0.00	192.44	2,492.57	27.43	99%	
10-490-10 EMPLOYEE TRAINING	3,000	0.00	0.00	2,029.65	970.35	68%	
10-490-11 POSTAGE	0	0.00	0.00	0.00	0.00		
10-490-16 EQUIPMENT MAINT / REPAIR	500	0.00	0.00	112.84	387.16	23%	
10-490-17 M & R VEHICLES	1,500	0.00	0.00	38.09	1,461.91	3%	
10-490-26 ADVERTISEMENT	0	0.00	0.00	0.00	0.00		
10-490-31 GAS, OIL, & TIRES	1,000	0.00	0.00	398.70	601.30	40%	
10-490-33 DEPARTMENTAL SUPPLIES	1,000	0.00	0.00	470.61	529.39	47%	
10-490-45 CONTRACTED SERVICES	4,500	0.00	0.00	4,800.00	(300.00)	107%	
10-490-53 DUES & SUBSCRIPTIONS	1,000	0.00	0.00	285.00	715.00	29%	
10-490-57 MISCELLANEOUS	250	0.00	0.00	0.00	250.00		
10-490-58 CRS-ACTIVITY-FLOOD	1,400	0.00	0.00	0.00	1,400.00		
10-490-74 CAPITAL OUTLAY	0	0.00	0.00	0.00	0.00		
10-490-75 DEBT SERVICE	0	0.00	0.00	0.00	0.00		
10-490-76 TAXES AND TITLES	0	0.00	0.00	0.00	0.00		
10-490-80 STORM DAMAGE	0	0.00	0.00	0.00	0.00		
PLANNING/ZONING/CAMA Totals:	137,743	0.00	9,389.25	131,354.10	6,388.40	95%	
10-491-02 SALARIES	123,500	0.00	9,435.84	122,270.24	1,229.76	99%	
10-491-05 FICA	9,448	0.00	716.92	9,289.60	158.15	98%	
10-491-06 GROUP INSURANCE	15,750	0.00	1,188.20	16,586.75	(836.75)	105%	
10-491-07 ORBIT RETIREMENT (10.3%)	12,721	0.00	972.84	12,606.13	114.37	99%	
10-491-08 401K (3%)	3,705	0.00	283.09	3,653.23	51.77	99%	

Budget vs Actual

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10 GENERAL FUND							
Description	Budget	Encumbrance	MTD	YTD	Variance	Percent	
10-491-10 EMPLOYEE TRAINING	4,400	0.00	0.00	0.00	4,400.00		
10-491-16 M & R EQUIPMENT	0	0.00	0.00	0.00	0.00		
10-491-17 M & R VEHICLES	500	0.00	0.00	53.47	446.53	11%	
10-491-31 GAS, OIL, & TIRES	1,800	0.00	0.00	1,333.70	466.30	74%	
10-491-33 DEPARTMENTAL SUPPLIES	1,500	0.00	0.00	567.61	932.39	38%	
10-491-45 CONTRACTED SERVICES	9,000	0.00	585.00	7,245.00	1,755.00	81%	
10-491-53 DUES & SUBSCRIPTIONS	1,500	0.00	0.00	638.00	862.00	43%	
10-491-57 MISCELLANEOUS	1,300	0.00	0.00	14.10	1,285.90	1%	
10-491-74 CAPITAL OUTLAY	0	0.00	0.00	0.00	0.00		
10-491-75 DEBT SERVICE	10,651	0.00	0.00	10,650.44	0.56	100%	
10-491-76 LEASE PAYMENTS	0	0.00	0.00	0.00	0.00		
10-491-80 STORM DAMAGE	0	0.00	0.00	0.00	0.00		
INSPECTIONS Totals:	195,774	0.00	13,181.89	184,908.27	10,865.98	94%	
10-500-11 PHONES	34,000	0.00	728.90	24,742.60	9,257.40	73%	
10-500-13 UTILITIES	40,000	0.00	1,921.74	32,690.63	7,309.37	82%	
10-500-15 M & R BUILDINGS/GROUNDS	47,000	0.00	3,558.00	62,908.05	(15,908.05)	134%	
10-500-17 LANDSCAPE M & R	3,000	0.00	1,788.97	3,194.06	(194.06)	106%	
10-500-31 GAS, TIRES, OIL	0	0.00	0.00	0.00	0.00		
10-500-33 SUPPLIES FOR BUILDINGS	3,000	0.00	0.00	9,786.67	(6,786.67)	326%	
10-500-43 TOWN HALL CLEANING	5,000	0.00	0.00	600.00	4,400.00	12%	
10-500-45 PEST CONTROL	2,500	0.00	0.00	1,214.00	1,286.00	49%	
10-500-46 SECURITY MONITORING	400	0.00	0.00	0.00	400.00		
10-500-54 FLOOD INSURANCE	0	0.00	0.00	0.00	0.00		
10-500-57 TOWN SIGN	1,000	0.00	0.00	0.00	1,000.00		
10-500-58 CALL BACK/WEB EOC	1,500	0.00	0.00	1,125.00	375.00	75%	
10-500-74 CAPITAL OUTLAY	610,000	0.00	140,242.48	479,754.32	130,245.68	79%	
10-500-80 STORM DAMAGE	0	0.00	0.00	0.00	0.00		
PUBLIC BLDGS Totals:	747,400	0.00	148,240.09	616,015.33	131,384.67	82%	
10-501-09 WORKERS COMPENSATION	47,500	0.00	0.00	47,260.68	239.32	99%	

Budget vs Actual

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10 GENERAL FUND							
Description	Budget	Encumbrance	MTD	YTD	Variance	Percent	
10-501-13 INSURANCE AND BONDS	108,200	0.00	0.00	105,661.00	2,539.00	98%	
10-501-17 VFIS INSURANCE	22,000	0.00	0.00	19,831.10	2,168.90	90%	
10-501-54 FLOOD INSURANCE	3,500	0.00	0.00	2,514.00	986.00	72%	
INSURANCE Totals:	181,200	0.00	0.00	175,266.78	5,933.22	97%	
10-509-02 PSA Salary	15,905	0.00	1,223.34	15,903.42	1.58	100%	
10-509-05 FICA TAXES	1,220	0.00	93.58	1,216.54	3.46	100%	
PSA - RETIRED POLICE OFFICERS Totals:	17,125	0.00	1,316.92	17,119.96	5.04	100%	
10-510-01 PSA Officer Salary	0	0.00	0.00	0.00	0.00		
10-510-02 SALARIES	764,800	0.00	52,204.64	677,973.22	86,826.78	89%	
10-510-03 PART-TIME SALARIES	4,237	0.00	40.74	5,459.16	(1,222.16)	129%	
10-510-04 PROFESSIONAL SERVICES	4,160	0.00	0.00	2,901.00	1,259.00	70%	
10-510-05 FICA	58,831	0.00	3,986.79	52,123.74	6,707.59	89%	
10-510-06 GROUP INSURANCE	93,500	0.00	4,752.80	80,389.41	13,110.59	86%	
10-510-07 ORBIT RETIREMENT (10.9%)	83,825	0.00	5,634.63	73,488.90	10,336.13	88%	
10-510-08 401K (5%)	38,452	0.00	2,513.51	32,278.10	6,173.75	84%	
10-510-09 INTERN Beach Salary	340	0.00	0.00	0.00	340.00		
10-510-10 EMPLOYEE TRAINING	10,000	0.00	50.00	6,152.37	3,847.63	62%	
10-510-12 TUITION ASSISTANCE	0	0.00	0.00	0.00	0.00		
10-510-16 MAINT. & REPAIRS-EQUIP.	4,600	0.00	0.00	1,175.62	3,424.38	26%	
10-510-17 MAINT. & REPAIRS-VEHICLES	13,800	0.00	0.00	12,964.51	835.49	94%	
10-510-31 GAS,OIL, & TIRES	46,200	0.00	0.00	39,019.88	7,180.12	84%	
10-510-32 OFFICE SUPPLIES	3,000	0.00	7.49	1,080.32	1,919.68	36%	
10-510-33 DEPARTMENTAL SUPPLIES	11,000	0.00	0.00	10,887.16	112.84	99%	
10-510-36 UNIFORMS	12,000	0.00	0.00	11,246.88	753.12	94%	
10-510-37 BALLISTIC VEST REPLACE	4,570	0.00	0.00	0.00	4,570.00		
10-510-53 DUES & SUBSCRIPTIONS	9,300	0.00	0.00	8,313.63	986.37	89%	
10-510-57 K-9 EXPENSES	3,000	0.00	0.00	3,036.54	(36.54)	101%	
10-510-60 LESO PROGRAM	4,426	0.00	0.00	0.00	4,426.00		

Budget vs Actual

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10 GENERAL FUND							
Description	Budget	Encumbrance	MTD	YTD	Variance	Percent	
10-510-73 NON-CAPITAL OUTLAY	15,000	0.00	0.00	13,835.00	1,165.00	92%	
10-510-74 CAPITAL OUTLAY	0	0.00	0.00	0.00	0.00		
10-510-75 DEBT SERVICE	35,712	0.00	0.00	35,712.00	0.00	100%	
10-510-76 TAXES AND TITLES	0	0.00	0.00	21.50	(21.50)		
10-510-77 LEASED/RENTED EQUIPMENT	0	0.00	0.00	0.00	0.00		
10-510-79 DEBT SERVICE INTEREST	0	0.00	0.00	0.00	0.00		
10-510-80 STORM DAMAGE	0	0.00	0.00	0.00	0.00		
POLICE Totals:	1,220,753	0.00	69,190.60	1,068,058.94	152,694.27	87%	
10-545-02 SALARIES	201,000	0.00	15,380.59	191,798.11	9,201.89	95%	
10-545-03 PART TIME SALARIES	0	0.00	0.00	2,903.44	(2,903.44)		
10-545-05 FICA	15,377	0.00	1,172.59	14,842.43	534.07	97%	
10-545-06 GROUP INSURANCE	38,750	0.00	2,376.40	31,308.29	7,441.71	81%	
10-545-07 ORBIT RETIREMENT (10.3%)	20,703	0.00	1,510.36	18,700.48	2,002.52	90%	
10-545-08 401K (3%)	6,030	0.00	404.19	5,060.76	969.24	84%	
10-545-14 EMPLOYEE TRAINING	1,000	0.00	0.00	0.00	1,000.00		
10-545-16 MAINT/REPAIR EQUIPT	17,000	2,578.43	0.00	14,449.71	(28.14)	100%	
10-545-17 MAINT REPAIR - VEHICLES	15,000	3,600.00	0.00	3,001.12	8,398.88	44%	
10-545-31 GAS, OIL, & TIRES	14,000	0.00	0.00	15,836.21	(1,836.21)	113%	
10-545-32 OFFICE SUPPLIES	150	0.00	0.00	0.00	150.00		
10-545-33 DEPARTMENTAL SUPPLIES	10,000	0.00	0.00	3,824.50	6,175.50	38%	
10-545-34 CHEMICAL-MOSQ CONTROL	5,800	0.00	0.00	2,724.63	3,075.37	47%	
10-545-36 UNIFORMS	3,000	0.00	0.00	4,772.73	(1,772.73)	159%	
10-545-53 DUES & SUBSCRIPTIONS	100	0.00	0.00	0.00	100.00		
10-545-57 MISCELLANEOUS	100	0.00	0.00	0.00	100.00		
10-545-74 CAPITAL OUTLAY	0	0.00	0.00	0.00	0.00		
10-545-75 DEBT SERVICE	11,053	0.00	0.00	11,052.35	0.65	100%	
10-545-76 TAXES AND TITLES	0	0.00	0.00	0.00	0.00		
10-545-80 STORM DAMAGE	0	0.00	0.00	0.00	0.00		
PUBLIC WORKS Totals:	359,063	6,178.43	20,844.13	320,274.76	32,609.31	91%	

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10 GENERAL FUND							
Description	Budget	Encumbrance	MTD	YTD	Variance	Percent	
10-560-13 UTILITES-STREET LIGHTS	30,000	0.00	2,426.41	29,116.92	883.08	97%	
10-560-15 M&R PUBLIC PARKING	30,000	1,160.00	0.00	23,126.26	5,713.74	81%	
10-560-16 M & R EQUIPMENT	10,000	0.00	0.00	2,540.92	7,459.08	25%	
10-560-33 DEPARTMENTAL SUPPLIES	6,000	0.00	0.00	8,309.10	(2,309.10)	138%	
10-560-43 RIVER ROAD WALK	4,000	0.00	0.00	0.00	4,000.00		
10-560-73 STREET REPAIR CONST IMPRO	30,000	(3,330.00)	0.00	22,072.76	11,257.24	62%	
10-560-74 CAPITAL OUTLAY	0	0.00	0.00	0.00	0.00		
10-560-75 DEBT SERVICE	17,000	0.00	0.00	16,838.28	161.72	99%	
10-560-79 DEBT SERVICE INTEREST	0	0.00	0.00	0.00	0.00		
10-560-80 STORM DAMAGE	0	0.00	0.00	0.00	0.00		
STREETS Totals:	127,000	(2,170.00)	2,426.41	102,004.24	27,165.76	79%	
10-580-45 SANITATION CONTRACTS	390,206	0.00	0.00	350,528.44	39,677.56	90%	
10-580-46 TIPPING FEES	68,500	0.00	0.00	75,784.27	(7,284.27)	111%	
10-580-47 RECYCLING	24,000	0.00	0.00	25,005.72	(1,005.72)	104%	
10-580-58 SOLID WASTE FEE REFUNDS	0	0.00	0.00	0.00	0.00		
10-580-80 STORM DAMAGE	0	0.00	0.00	0.00	0.00		
SANITATION Totals:	482,706	0.00	0.00	451,318.43	31,387.57	93%	
10-620-12 SNOWFLAKES	4,500	0.00	0.00	4,970.97	(470.97)	110%	
10-620-13 PARK UTILITIES	0	0.00	0.00	0.00	0.00		
10-620-14 PARK WELL	500	0.00	0.00	0.00	500.00		
10-620-15 PARK MAINTENANCE	5,000	0.00	0.00	4,991.21	8.79	100%	
10-620-17 BIKE PATH M & R	2,500	0.00	0.00	198.39	2,301.61	8%	
10-620-27 SPECIAL EVENTS	0	0.00	0.00	0.00	0.00		
10-620-33 PARK SUPPLIES	2,500	0.00	0.00	2,874.77	(374.77)	115%	
10-620-73 BIKE & PED GRANT	0	0.00	0.00	0.00	0.00		
10-620-74 CAPITAL OUTLAY	0	0.00	0.00	0.00	0.00		
10-620-80 STORM DAMAGE	0	0.00	0.00	0.00	0.00		
RECREATION Totals:	15,000	0.00	0.00	13,035.34	1,964.66	87%	

Budget vs Actual

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10 GENERAL FUND							
Description	Budget	Encumbrance	MTD	YTD	Variance	Percent	
10-690-02 SALARIES	750,000	0.00	65,736.99	751,095.88	(1,095.88)	100%	
10-690-03 VOL INCENTIVE PAY	5,000	0.00	37.00	262.00	4,738.00	5%	
10-690-04 VOLUNTEER APPRECIATION	0	0.00	0.00	0.00	0.00		
10-690-05 FICA	57,375	0.00	4,887.85	56,108.52	1,266.48	98%	
10-690-06 GROUP INSURANCE	131,000	0.00	10,099.70	125,793.95	5,206.05	96%	
10-690-07 ORBIT RETIREMENT (10.3%)	77,250	0.00	6,777.52	77,437.80	(187.80)	100%	
10-690-08 401K (3%)	22,500	0.00	1,938.39	22,422.65	77.35	100%	
10-690-10 EMPLOYEE TRAINING	6,000	0.00	0.00	4,221.43	1,778.57	70%	
10-690-13 TUITION ASSITANCE EXPENSE	0	0.00	0.00	0.00	0.00		
10-690-16 M & R EQUIPMENT	17,500	30,947.64	0.00	7,424.75	(20,872.39)	219%	
10-690-17 M & R VEHICLES	16,000	10,500.00	3,149.08	6,993.14	(1,493.14)	109%	
10-690-31 GAS, OIL, & TIRES	14,000	0.00	0.00	11,786.32	2,213.68	84%	
10-690-32 OFFICE SUPPLIES	2,500	1,450.00	0.00	1,742.85	(692.85)	128%	
10-690-33 DEPARTMENTAL SUPPLIES	66,500	8,508.86	0.00	30,301.41	27,689.73	58%	
10-690-34 FIRE FIGHTER PHYSICALS	5,600	0.00	0.00	5,706.33	(106.33)	102%	
10-690-36 UNIFORMS	8,000	0.00	0.00	6,526.51	1,473.49	82%	
10-690-53 DUES & SUBSCRIPTIONS	8,500	3,108.00	0.00	6,345.77	(953.77)	111%	
10-690-56 FEDERAL FIRE GRANT	0	0.00	0.00	0.00	0.00		
10-690-57 MISCELLANEOUS	250	0.00	0.00	117.90	132.10	47%	
10-690-73 COMUNICATIONS EQUIP	6,000	0.00	0.00	6,959.28	(959.28)	116%	
10-690-74 CAPITAL OUTLAY	0	(22,407.52)	0.00	22,407.52	0.00		
10-690-75 DEBT SERVICE	42,800	0.00	0.00	42,768.56	31.44	100%	
10-690-76 Taxes & Titles	0	0.00	0.00	0.00	0.00		
10-690-79 DEBT SERVICE INTEREST	0	0.00	0.00	0.00	0.00		
10-690-80 STORM DAMAGE	0	0.00	0.00	0.00	0.00		
FIRE DEPARTMENT Totals:	1,236,775	32,106.98	92,626.53	1,186,422.57	18,245.45	99%	
10-695-00 DCM Grant-Land Use Plan	1,000	0.00	0.00	0.00	1,000.00		
10-695-91 PLANNING BOARD	1,000	0.00	0.00	0.00	1,000.00		
10-695-93 BEAUTIFICATION COMM	0	0.00	0.00	0.00	0.00		

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10 GENERAL FUND							
Description	Budget	Encumbrance	MTD	YTD	Variance	Percent	
10-695-94 X-MAS DONATION EXP.	0	0.00	0.00	0.00	0.00	0.00	
COMMITTEES Totals:	2,000	0.00	0.00	0.00	2,000.00		
10-720-08 CONTRACTS, PLANS & SPECS	48,000	0.00	0.00	40,043.00	7,957.00	83%	
10-720-10 BEACH LOBBIST CONTRACT	60,000	0.00	5,436.54	61,966.51	(1,966.51)	103%	
10-720-12 BEACH & ACCESS MAINTENANCE	50,000	0.00	0.00	26,353.27	23,646.73	53%	
10-720-14 BEACH RELATED MEETINGS & CONFERENCES	20,000	0.00	0.00	6,304.62	13,695.38	32%	
10-720-15 DUNE & CROSSWALK REPAIRS/MAINTENANCE	8,000	0.00	0.00	9,688.29	(1,688.29)	121%	
10-720-36 EASEMENT & LEGAL EXPENSES	1,000	0.00	0.00	0.00	1,000.00		
10-720-45 CONTRACTED SERVICES	10,000	0.00	1,657.00	6,384.08	3,615.92	64%	
10-720-46 WEED MITIGATION	0	0.00	0.00	0.00	0.00		
10-720-53 ASBPA DUES and MEETINGS	2,500	0.00	0.00	0.00	2,500.00		
10-720-55 SAND PUSH (GENERAL)	0	0.00	0.00	0.00	0.00		
10-720-59 SEA OATS PROGRAM (50/50)	20,000	0.00	0.00	2,280.00	17,720.00	11%	
10-720-80 STORM DAMAGE	0	0.00	0.00	0.00	0.00		
BEACH REN. / DUNE STAB. Totals:	219,500	0.00	7,093.54	153,019.77	66,480.23	70%	
10-998-02 Transfer out-Beach Nouris	0	0.00	0.00	0.00	0.00		
10-998-04 T/O Capital Reserve Fund	0	0.00	0.00	0.00	0.00		
Totals:	0	0.00	0.00	0.00	0.00		
10-999-01 CONTINGENCY	0	0.00	0.00	0.00	0.32		
CONTINGENCY Totals:	0	0.00	0.00	0.00	0.32		
Expenses Totals:	5,692,033	36,115.41	407,343.68	5,158,931.87	496,985.97	91%	
10 GENERAL FUND	Revenues Over/(Under) Expenses:		(83,393.53)	587,971.23			

Budget vs Actual

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30 CAPITAL PROJECT-SHORELINE PRO

Description	Budget	Encumbrance	MTD	YTD	Variance	Percent
Revenues						
30-301-00 ACCOMMODATION TAX	1,200,000	0.00	153,800.04	1,685,199.28	485,199.28	140%
30-301-01 Onslow County Contribution	0	0.00	0.00	0.00	0.00	
30-301-05 AD VALOREM TAX - Beach	1,397,061	0.00	568.48	1,329,831.75	(67,229.25)	95%
30-329-00 INTEREST INCOME	14,000	0.00	0.00	4,730.85	(9,269.15)	34%
30-335-00 MISCELLANEOUS / OTHER	0	0.00	0.00	0.00	0.00	
30-335-16 NC HURRICANE FLORENCE RECOVERY	0	0.00	0.00	0.00	0.00	
30-335-17 NC TRAILS GRANT	0	0.00	0.00	0.00	0.00	
30-335-18 Fee in Lieu of Open Space	0	0.00	0.00	0.00	0.00	
30-335-20 In-Kind Services	0	0.00	0.00	0.00	0.00	
30-335-30 Transfer In GF	0	0.00	0.00	0.00	0.00	
30-345-00 LOCAL OPTION SALES TAX	478,692	0.00	63,250.53	617,157.03	138,465.03	129%
30-348-03 PARTF Grant	0	0.00	0.00	0.00	0.00	
30-348-04 CAMA Park Grant	0	0.00	0.00	0.00	0.00	
30-348-05 County Tourism Grant	0	0.00	0.00	0.00	0.00	
30-348-06 DWR Grant 15	0	0.00	0.00	0.00	0.00	
30-348-07 DWR Grant 16	0	0.00	0.00	0.00	0.00	
30-348-08 FEMA - Beach Nourishment PJT	0	0.00	0.00	0.00	0.00	
30-348-09 FEMA REIMBURSEMENTS (POST HURRICANE)	0	0.00	0.00	0.00	0.00	
30-350-00 STATE FUNDING	0	0.00	0.00	0.00	0.00	
30-350-01 PAID PARKING REVENUE	0	0.00	0.00	181,519.20	181,519.20	
30-383-02 SPECIAL ASSESSMENT	25,000	0.00	0.00	49,715.62	24,715.62	199%
30-398-00 SPECIAL OBLIGATION BONDS	0	0.00	0.00	0.00	0.00	
30-399-00 APPROP. FUND BALANCE	0	0.00	0.00	0.00	0.00	
30-399-01 Trans From Beach Fund	0	0.00	0.00	0.00	0.00	
Revenues Totals:	3,114,753	0.00	217,619.05	3,868,153.73	753,400.73	124%

Expenses

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30 CAPITAL PROJECT-SHORELINE PRO							
Description	Budget	Encumbrance	MTD	YTD	Variance	Percent	
30-620-02 Salaries	0	0.00	0.00	0.00	0.00	0.00	
30-620-04 Engineering-Design	0	0.00	0.00	0.00	0.00	0.00	
30-620-05 FICA	0	0.00	0.00	0.00	0.00	0.00	
30-620-07 Retirement	0	0.00	0.00	0.00	0.00	0.00	
30-620-16 Construction	0	0.00	0.00	0.00	0.00	0.00	
30-620-26 Advertising	0	0.00	0.00	0.00	0.00	0.00	
30-620-33 Administrative	0	0.00	0.00	0.00	0.00	0.00	
30-620-45 Surveying	0	0.00	0.00	0.00	0.00	0.00	
30-620-46 General Site Work	0	0.00	0.00	0.00	0.00	0.00	
30-620-47 Paving Old/New	0	0.00	0.00	0.00	0.00	0.00	
30-620-99 Contingency	0	0.00	0.00	0.00	0.00	0.00	
RECREATION Totals:	0	0.00	0.00	0.00	0.00	0.00	
30-720-03 HURRICANE EXPENDITURES	0	0.00	0.00	20,300.00	(20,300.00)		
30-720-04 FEMA Florence Truck Haul	0	0.00	478,712.23	3,809,801.84	(3,809,801.84)		
30-720-05 HURRICANE FLORENCE EXPENSES	240,000	0.00	0.00	178,702.23	61,297.77	74%	
30-720-06 FEMA - HURRICANE MATTHEW PROJE	0	0.00	(1,033,048.07)	(1,033,048.07)	1,033,048.07		
30-720-07 Harden Structure Permit/Design	330,000	0.00	4,984.00	17,284.00	312,716.00	5%	
30-720-08 CONTRACTS, PLANS, SPECS	110,000	0.00	0.00	166,760.30	(56,760.30)	152%	
30-720-15 Bank Charges	0	0.00	0.00	0.00	0.00		
30-720-16 HURRICANE MATTHEW SVC CONTRACT	0	0.00	0.00	0.00	0.00		
30-720-18 OTHER CONTRACTS & PLANS	57,500	0.00	0.00	37,000.00	20,500.00	64%	
30-720-36 EASEMENTS/LEGAL	0	0.00	0.00	0.00	0.00		
30-720-50 TOWN PARK SOUTH	0	0.00	0.00	0.00	0.00		
30-720-51 TOWN GENERATOR	0	0.00	0.00	0.00	0.00		
30-720-54 CONSTRUCTION	0	0.00	0.00	0.00	0.00		
30-720-55 NEW RIVER DREDGE	0	0.00	0.00	0.00	0.00		

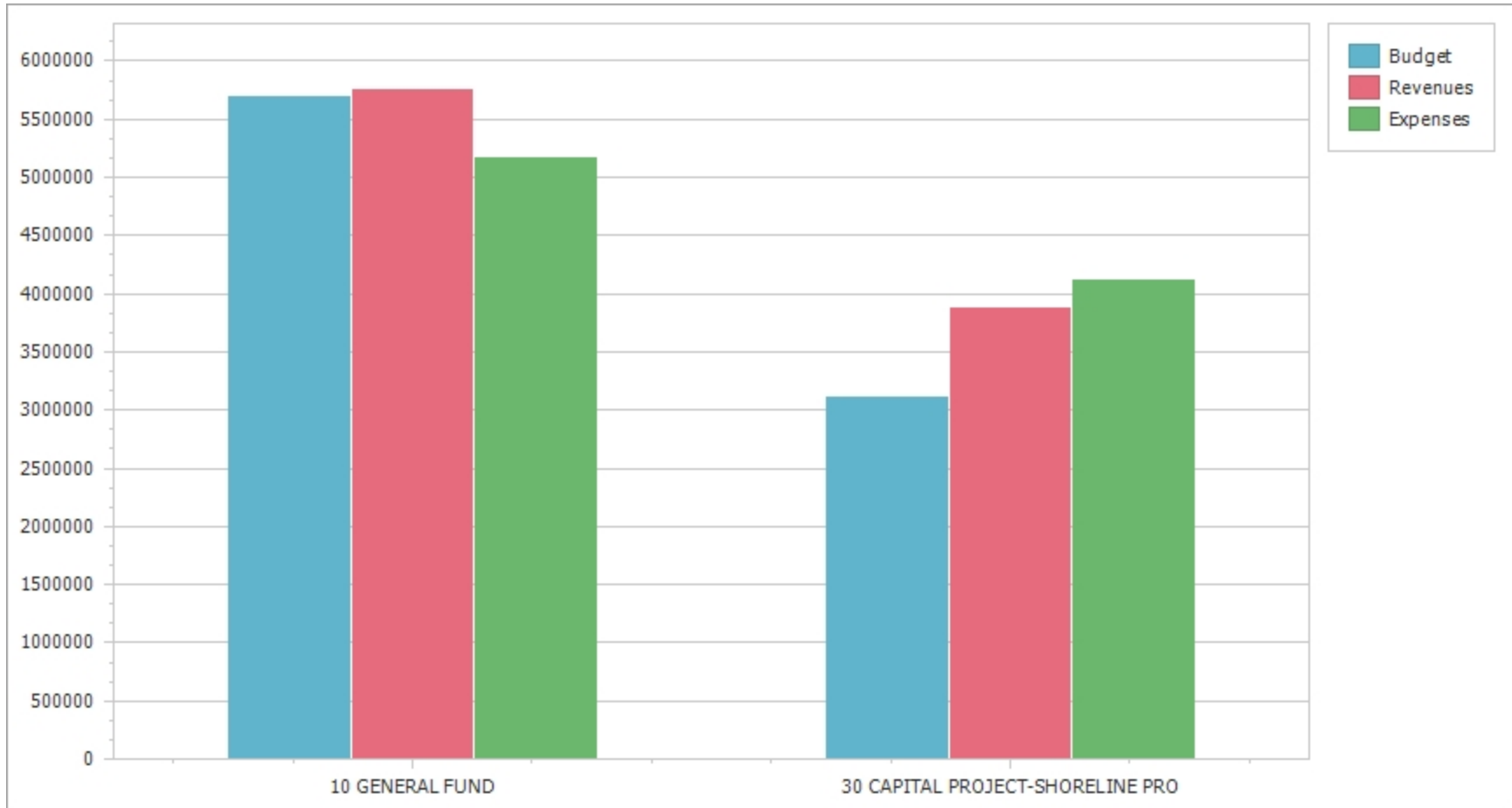
Budget vs Actual

NORTH TOPSAIL BEACH
6/24/2021 9:36:37 AM

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Period Ending 6/30/2021

30 CAPITAL PROJECT-SHORELINE PRO							
Description	Budget	Encumbrance	MTD	YTD	Variance	Percent	
30-720-56 OCEAN BAR DESIGN	0	0.00	0.00	0.00	0.00	0.00	
30-720-57 NORTH END EMERGENCY	0	0.00	0.00	0.00	0.00	0.00	
30-720-60 PHASE I DEBT SERVICE	0	0.00	0.00	0.00	0.00	0.00	
30-720-61 PHASE 2-5 DEBT SERVICE	0	0.00	0.00	0.00	0.00	0.00	
30-720-62 PHASE 5 DEBT SERVICE - USDA	900,115	0.00	899,387.50	899,387.50	727.50	100%	
30-720-63 CONTR. TO FUND BAL	0	0.00	0.00	0.00	0.00	0.00	
30-720-64 Sandbag Repair Project	200,000	0.00	6,497.20	12,599.18	187,400.82	6%	
30-720-65 Due To USDA Sinking Fund	300,115	0.00	0.00	0.00	300,115.00		
30-720-66 Due To USDA Reserve Fund	90,000	0.00	0.00	0.00	90,000.00		
30-720-67 Reimburse General Fund	0	0.00	0.00	0.00	0.00	0.00	
30-720-68 Future Projects Fund	784,511	0.00	0.00	0.00	784,510.50		
30-720-70 DEBT SERVICE INTEREST	0	0.00	0.00	0.00	0.00	0.00	
BEACH REN. / DUNE STAB. Totals:	3,012,241	0.00	356,532.86	4,108,786.98	(1,096,546.48)	136%	
30-730-02 SALARIES	75,000	0.00	0.00	0.00	75,000.00		
30-730-05 FICA (7.65%)	5,738	0.00	0.00	0.00	5,737.50		
30-730-06 GROUP INSURANCE	8,000	0.00	0.00	0.00	8,000.00		
30-730-07 ORBIT RETIREMENT (10.3%)	7,725	0.00	0.00	0.00	7,725.00		
30-730-08 401K (3%)	2,250	0.00	0.00	0.00	2,250.00		
30-730-10 EMPLOYEE TRAINING	0	0.00	0.00	0.00	0.00	0.00	
30-730-16 EQUIPMENT MAINTENCE / REPAIR	0	0.00	0.00	0.00	0.00	0.00	
30-730-17 VEHICLE MAINTENCE / REPAIR	500	0.00	0.00	0.00	500.00		
30-730-31 GAS-OIL-TIRE EXPENSE	1,800	0.00	0.00	0.00	1,800.00		
30-730-33 DEPARTMENT SUPPLY EXPENSE	1,500	0.00	0.00	0.00	1,500.00		
Totals:	102,513	0.00	0.00	0.00	102,512.50		
Expenses Totals:	3,114,753	0.00	356,532.86	4,108,786.98	(994,033.98)	132%	
30 CAPITAL PROJECT-SHORELINE PRO	Revenues Over/(Under) Expenses:		(138,913.81)	(240,633.25)			



GL Account History Summary

NORTH TOPSAIL BEACH

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Account Range: 30-301-00 ACCOMMODATION TAX - 30-301-00 ACCOMMODATION TAX

Date Range: 6/1/2021 - 6/23/2021

GL Account - 30-301-00 ACCOMMODATION TAX					
Date	Description	Source	Debits	Credits	Date
Fiscal Period - FY 20/21		Beg Balance	\$0.00	\$2,540,625.62	
06/01/2021	OCC TAX	GL GJ	\$0.00	\$137.11	06/01/2021
06/07/2021	OCC TAX	GL GJ	\$0.00	\$152.85	06/08/2021
06/07/2021	OCC TAX	GL GJ	\$0.00	\$11,479.17	06/07/2021
06/08/2021	OCC TAX	GL GJ	\$0.00	\$751.39	06/09/2021
06/10/2021	OCC TAX	GL GJ	\$0.00	\$797.32	06/10/2021
06/11/2021	OCC TAX	GL GJ	\$0.00	\$7,281.31	06/11/2021
06/15/2021	OCC TAX	GL GJ	\$0.00	\$287.37	06/16/2021
06/15/2021	OCC TAX	GL GJ	\$0.00	\$61,255.34	06/15/2021
06/16/2021	OCC TAX	GL GJ	\$0.00	\$147.60	06/17/2021
06/17/2021	OCC TAX	GL GJ	\$0.00	\$21,176.74	06/17/2021
06/18/2021	OCC TAX	GL GJ	\$0.00	\$9,773.48	06/21/2021
06/21/2021	OCC TAX	GL GJ	\$0.00	\$40,560.36	06/21/2021
Transaction Totals			\$0.00	\$153,800.04	
**	End Balance		\$0.00	\$153,800.04	**

Check Listing

Date From: 6/1/2021 Date To: 6/23/2021

Vendor Range: A PLUS WAREHOUSE EQUIPMENT & SUPPLY - ZOCKLEIN & ASSOCIATES

NORTH TOPSAIL BEACH

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Check Number	Bank	Vendor	Date	Amount
45550	1	BB&T	06/03/2021	<u>\$11,489.89</u>
45551	1	CAROLINA FIRE SPECIALIST	06/03/2021	<u>\$3,149.08</u>
45552	1	DODSON PEST CONTROL	06/03/2021	<u>\$119.00</u>
45553	1	GREATAMERICAN FINANCIAL SERVS	06/03/2021	<u>\$1,044.85</u>
45554	1	KATHY PARKER	06/03/2021	<u>\$2,500.00</u>
45555	1	LOWE'S HOME CENTERS	06/03/2021	<u>\$1,296.38</u>
45556	1	NC QUICK PASS	06/03/2021	<u>\$7.49</u>
45557	1	ONSLow COUNTY TAX COLLECTOR	06/03/2021	<u>\$453.16</u>
45558	1	SHEPARD'S WRECKER SERVICE	06/03/2021	<u>\$30.00</u>
45559	1	T-N-T ENTERPRISES	06/03/2021	<u>\$1,983.33</u>
45560	1	TI COASTAL SERVICES, INC.	06/03/2021	<u>\$75,520.00</u>
45561	1	VERIZON WIRELESS	06/03/2021	<u>\$728.90</u>
45562	1	ADVANCE AUTO PARTS	06/10/2021	<u>\$40.03</u>
45563	1	CAROLINA CONTAINERS &	06/10/2021	<u>\$101.89</u>
45564	1	CM MITCHELL CONSTRUCTION	06/10/2021	<u>\$478,712.23</u>
45565	1	COMPUTER WARRIORS, INC.	06/10/2021	<u>\$3,533.73</u>
45566	1	DIAL CORDY	06/10/2021	<u>\$4,984.00</u>
45567	1	GFL ENVIRONMENTAL	06/10/2021	<u>\$31,398.58</u>
45568	1	JONES ONSLOW ELECTRIC COMPANY	06/10/2021	<u>\$2,426.41</u>
45569	1	MCCORMICK MICKIE R	06/10/2021	<u>\$440.39</u>
45570	1	ONSLow COUNTY SOLID WASTE DEPT	06/10/2021	<u>\$8,208.00</u>
45571	1	SHERRILL A STRICKLAND JR.	06/10/2021	<u>\$585.00</u>
45572	1	SONOCO PRODUCTS CO.	06/10/2021	<u>\$888.90</u>
45573	1	SPINNING ON SUNSHINE	06/10/2021	<u>\$195.00</u>
45574	1	SPORTSMAN'S LODGE	06/10/2021	<u>\$14.14</u>
45575	1	TESI STAFFING, INC.	06/10/2021	<u>\$30.00</u>
45576	1	THE ATLANTIC CONTRACTING & DESIGN, INC	06/10/2021	<u>\$140,242.48</u>
45577	1	TOWN OF SURF CITY	06/10/2021	<u>\$5,436.54</u>
45578	1	UNITED LABORATORIES	06/10/2021	<u>\$1,912.59</u>
45579	1	ARENDELL	06/17/2021	<u>\$6,497.20</u>
45580	1	BECKER MORGAN GROUP INC	06/17/2021	<u>\$3,000.00</u>
45581	1	CROSSLEY MCINTOSH COLLIER	06/17/2021	<u>\$2,041.40</u>

Check Listing

Date From: 6/1/2021 Date To: 6/23/2021

Vendor Range: A PLUS WAREHOUSE EQUIPMENT & SUPPLY - ZOCKLEIN & ASSOCIATES

NORTH TOPSAIL BEACH

06/23/2021 03:18 PM

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Check Number	Bank	Vendor	Date	Amount
45582	1	JONES ONSLOW ELECTRIC COMPANY	06/17/2021	<u>\$1,662.73</u>
45583	1	MILLER HEATING & COOLING	06/17/2021	<u>\$816.41</u>
45584	1	ONSLow WATER & SEWER AUTHORITY	06/17/2021	<u>\$259.01</u>
45585	1	PATRICIA CAREY	06/17/2021	<u>\$200.00</u>
45586	1	SECRETARY OF STATE OF NC	06/17/2021	<u>\$50.00</u>
45587	1	T-N-T ENTERPRISES	06/17/2021	<u>\$1,673.80</u>
45588	1	SPLASH BY THE SEA	06/17/2021	<u>\$520.00</u>
39	Checks Totaling -			\$794,192.54

Totals By Fund

	Checks	Voids	Total
10	\$228,479.11		\$228,479.11
30	\$565,713.43		\$565,713.43
Totals:	\$794,192.54		\$794,192.54



TOWN OF NORTH TOPSAIL BEACH
Board of Aldermen
Agenda Item

Agenda	CONSENT
Item:	AGENDA
Date:	07/01/2021

Issue: FY 21-22 Fee Schedule Amendment

Presented by: Caitlin Elliott, Finance Officer

Presentation: Finance Department

Background: A contract with Waste Industries, since purchased by GFL, was signed in 2014 providing waste and recycling collection and disposal services to the Town. Section 11 of said contract states *the Town agrees to an annual adjustment in rates, not to exceed 3%, to reflect increases in the CPI (Consumer Price Index) when Contractor provides documentation.* This year the CPI came in at 4.6%, therefore increasing our rate by 3%. This figure was calculated and approved in the FY 2021-2022 budget, however the rate was inadvertently not changed on the new Fee Schedule. By approving this Amendment, the Fee Schedule will properly represent the figures calculated in the budget.

Attachments: Proposed Fee Schedule 2021-2022

Recommendation: Approve Amendment as recommended

Action Needed: Yes

Suggested Motion: "I, _____ make a motion to approve the Amendment to the 2021-2022 Fee Schedule as presented."

Follow Up: Finance Officer

**Town of North Topsail Beach
FY 2021-2022 Adopted
Fee Schedule**

GENERAL FEES

Fees effective 7-1-2021

Taxes

Property Tax	\$0.46 cents per \$100 valuation total tax
Accommodations Tax	3%*
Late Fees and Penalties for Accommodations Tax	\$10.00 per day for each days omission; 5% penalty for any person refusing to file return or pay tax for 30 day period or fraction thereof until tax is paid*

Administrative

Copies (per page)	\$0.10 Black/White \$0.60 Color
Copy of CD-ROM	\$5.00
Fax	No charge for Local \$1.00 for Long Distance
Notary Fee (Town Business Only)	No charge
Returned Checks	\$25.00 Per Check

Rental Fees

Meeting Room	\$50 per day plus \$50 deposit yearly <i>(When back in full operation post Florence repairs)</i>
Park Shelter & Gazebo	\$50 each

Solid Waste Fees

Solid Waste Fees - Vacant Lot	\$25 per year
Solid Waste Fees Dwelling	\$219.96 Annual / Monthly Rate \$18.33
Cart Fee - Recycling (additional or replacement)	\$80 per cart
Late Fee	\$25.00 per month
Fee for leaving cart out after 10:00 AM on the day following collection	\$50.00 per occurrence

Town Ordinance
13-7

Other Fees

Replacement Hurricane Re-Entry Pass	\$25.00 Per Pass
Notice of Special Meetings	\$10 per year
Golf Cart Registration	\$20 per year
Special Event Permit Application	\$25 per application

Amended 2/2/12

Amended 11/3/11

Amended 2/2/12



TOWN OF NORTH TOPSAIL BEACH
Board of Aldermen
Agenda Item

Agenda Item:	CONSENT AGENDA
Date:	07/01/2021

Issue: Budget Amendment 2020-21.8

Department: Administration

Presented by: Caitlin Elliott, Finance Officer

Presentation: Finance Department

Background: North Topsail Beach Police Department participates in a program known as the Law Enforcement Support Program, commonly referred to as the "LESO Program". Through it, the Police Department can obtain surplus items from the military base at no cost. Some items that we have received are ATVs, generators, pickup trucks, tools and more. A stipulation is that upon the completion of the retainage period, if the department sells an asset, then the proceeds must be allocated back to the Police Department. Due to this, an additional line item has been added to the Revenues and the Expenditures for the FY 20-21 Budget to accurately track these funds.

The Police Department has recently sold another ATV that was an asset obtained from the LESO program as described above. This amendment is to properly represent the funds of this sale and allocate it back to the Police Department.

Attachments: Budget Amendment 2020-21.8

Recommendation: Approve Amendment as recommended

Action Needed: Yes

Suggested Motion: *"I, _____ make a motion to approve Budget Amendment 2020-21.8 as presented."*

Funds: 10

Follow Up: Finance Officer

TOWN OF NORTH TOPSAIL BEACH
1000 NC 210
SNEADS FERRY, N.C. 28460

FISCAL YEAR 2020-2021

AMENDMENT TO THE BUDGET ORDINANCE

BA 2020-21.8

BE IT ORDAINED by the Governing Board for the Town of North Topsail Beach, North Carolina that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2021:

Section 1: To amend the General Fund appropriations with increases as follows:

DEPARTMENT NO:	<u>ACCOUNT</u>		
510	LESO PROGRAM	\$	4,555.00
	Total Expenditures	\$	<u>4,555.00</u>

This amendment will result in an increase to the following departments:
POLICE
 The purpose of this budget amendment is to appropriate funds from lawsuit settlement.

Section 2: To amend the General Fund estimated revenues with increases as follows:

382	SALE OF LESO ASSETS	\$	4,555.00
	Total Revenues	\$	<u>4,555.00</u>

The Finance Officer has performed a thorough analysis of the Revenues and has determined that the following changes are recommended to ensure a balanced statement for Fiscal Year **2020-2021**

Section 3: Copies of the budget ordinance amendment shall be furnished to the Town Clerk, the Council, the Budget Officer, and the Finance Officer for their direction.

Adopted this 1st Day of July 2021

Motion made by _____, 2nd by _____

VOTE: FOR AGAINST ABSENT

 JOANN MCDERMON, MAYOR

 CAITLIN ELLIOTT, FINANCE OFFICER

ORIGINAL BUDGET	7/1/2020	\$	5,770,722.00
Budget Amendment 1	10/1/2020	\$	100.00
Budget Amendment 2	11/5/2020	\$	(96,659.00)
Budget Amendment 3	1/7/2021	\$	768.86
Budget Amendment 4	2/4/2021	\$	12,563.89
Budget Amendment 5	4/1/2021	\$	111.72
Budget Amendment 6	5/6/2021	\$	876.00
Budget Amendment 7	6/3/2021	\$	3,550.00
Budget Amendment 8	7/1/2021	\$	4,555.00
New Budget Ordinance for FY 20-21		\$	<u>5,696,588.47</u>



TOWN OF NORTH TOPSAIL BEACH
Board of Aldermen
Agenda Item

Agenda Item:	Consent Agenda
Date:	07/01/2021

Issue: MOTV Tax Refund
Department: Finance
Presented by: Caitlin Elliott, Finance Officer
Presentation: Administration Department

Background: Received notice from the Onslow County Tax Office regarding the following MOTV Tax Refund for the following resident due to tag surrender:

- Walter & Rebecca Dixon \$26.38
- Johnny W. Hayes \$15.84

Total: \$42.22

Attachment(s): Onslow County MOTV Tax Report June 2021

Recommendation: Approve refund as recommended

Action Needed: Yes

Suggested Motion: *"I, _____ make a motion for the Finance Department to proceed with processing the following tax refund(s) as reported."*

Funds: 10

Follow Up: Finance Officer

primary_owner

DICKSON, WALTER RAYMOND
 HAYES, JOHNNY WAYNE

secondary_owner

DICKSON, REBECCA ANN

Address_1

113 BARTON BAY CT
 PO BOX 1025

Address_3

N TOPSAIL BEACH, NC 28460
 SNEADS FERRY, NC 28460

Refund_Type

Proration
 Proration

Bill_Num

41492595
 57124933

PlateNum

PJH3220
 RBH7814

Refund_Description

Refund Generated due to proration on Bill
 Refund Generated due to proration on Bill

Refund_Reason

Tag Surrender
 Tag Surrender

RefundAmount

(\$26.38)

(\$15.84)

(\$42.22)

Town of North Topsail Beach

Inspections

910-328-1349

2008 Loggerhead Court
North Topsail Beach, NC 28460

Daily BUILDING REPORT by PERMIT

Page # 1

From: Month 05 Day 22 Year 21

Thru: Month 06 Day 23 Year 21

Permit	Date Issued	Job Address/Owner	Contractor	Cty	- Trade Permit# Issued -		
					Plumb	Mech	Elect
210318	6022021	NEW RIVER INLET ROAD 1413 EGOLF JENSEN MARCIA M & J CONSTRUCTION		01 N TOPSAIL BEACH			
		Lrk / Pin : 779-1.8 / Sub Div / Tax Loc: JORDAN		Contr #: 1602 Lot #: 2			
		Cost Check # Building Final: C.O. Issued: Land Use: 105 Value Est: 5,000.00 200.00 NC Homeowners Recovery Fund: .00 Tech Fee: .00					
210350	6092021	ISLAND DRIVE 3188 EASTMAN TIMOTHY & KIMBERLY EDDIE GRADY		01 HERNDON			
		Lrk / Pin : 810A-6 / Sub Div / Tax Loc: JAMES & ISABELLE HARRIS		Contr #: 969 Lot #: 6			
		Cost Check # Building Final: C.O. Issued: Land Use: 904 Value Est: 8,000.00 75.00 NC Homeowners Recovery Fund: .00 Tech Fee: .00					
210351	6142021	NEW RIVER INLET ROAD 1239 SUTTON PROPERTI ES OF NORTH CAROLINA TURNBRIDGE VENTURES, LLC		01 BLUFFTON	210351	210351	210351
		Lrk / Pin : 774G-40 / Sub Div / Tax Loc: OCEAN WYNDS		Contr #: 1613 Lot #: 10			
		Cost Check # 50186 Building Final: C.O. Issued: Land Use: 101 Value Est: 375,000.00 1693.45 NC Homeowners Recovery Fund: 1 10.00 Tech Fee: .00					
210353	6142021	OSPREY DRIVE 12 BEJA ROBERT & MELISSA COKER MAEBILT CONSTRUCTION LLC		01 CARY	210353	210353	210353
		Lrk / Pin : 775B-122 / Sub Div / Tax Loc: CRYSTAL SHORES		Contr #: 152 Lot #: 22			
		Cost Check # 25371 Building Final: C.O. Issued: Land Use: 101 Value Est: 600,000.00 1583.20 NC Homeowners Recovery Fund: 1 10.00 Tech Fee: .00					
210332	6152021	ISLAND DRIVE 3658 PALLADIUM AT SURF CITY LLC MB43 P137 NDS, INC.		01 SURF CITY			
		Lrk / Pin : 813-1.1 / Sub Div / Tax Loc: EVERETT		Contr #: 330 Lot #: 7			
		Cost Check # Building Final: C.O. Issued: Land Use: 105 Value Est: 9,500.00 200.00 NC Homeowners Recovery Fund: .00 Tech Fee: .00					
210374	6222021	NEW RIVER INLET ROAD 2387 BRUNS FRED J & SYLVIA TRUST #1 BRUNS FRED J & SYLVIA TRUST #1		01 NORTH TOPSAIL BEACH			
		Lrk / Pin : 778D-51 / Sub Div / Tax Loc: NEW RIVER BEACH CLUB RECOMB		Contr #: Lot #: 1			
		Cost Check # 2856 Building Final: C.O. Issued: Land Use: 105 Value Est: 8,500.00 475.00 NC Homeowners Recovery Fund: .00 Tech Fee: .00					

Town of North Topsail Beach

Inspections

910-328-1349

2008 Loggerhead Court
North Topsail Beach, NC 28460

Daily BUILDING REPORT by PERMIT

Page # 2

From: Month 05 Day 22 Year 21

Thru: Month 06 Day 23 Year 21

Permit	Date Issued	Job Address/Owner	Contractor	Cty	- Trade Permit# Issued -		
					Plumb	Mech	Elect

PERMITS ISSUED : 6
TOTAL EST. VALUE: 1,006,000.00
TOTAL COST of PERMITS : 4,226.65 *

NC HOMEOWNERS RECOVERY FUND :	20.00	NCRF COUNT :	2
TECH FEES TOTAL :	.00	TECH COUNT :	
NET PERMIT FEES TOTAL :	.00		
VOIDED PERMIT FEES TOTAL :	.00		

Town of North Topsail Beach

Daily

Page # 1

PLANNING PERMITS

From: Month 05 Day 22 Year 21

Thru: Month 06 Day 24 Year 21

Permit #: **210318** Issued Date: 05262021 Date Approved: 6/02/21
Parcel #: **779-1.8**
Physical Address: 1413 NEW RIVER INLET ROAD
NORTH TOPSAIL BEACH 28460
Use Requested : RENOVATION REPAIR/REPLACE
Zoning District : R-5 Lot Size: .00 Acr. Permit Fee : 125.00
Flood Map#: Date of Map: 0/00/00 Flood Zone:
* Zoning Compliance Zoning Variance Rezoning and Development Denial
Rezoning Compliance Conditional Use Floodplain Exempt

Permit #: **210320** Issued Date: 06012021 Date Approved: 6/02/21
Parcel #: **778C-169.4**
Physical Address: 778C-169.4 SEA GULL LN & SHORE DR
NORTH TOPSAIL BEACH 28451
Use Requested :
Zoning District : B-1 Lot Size: 5.00 Acr. Permit Fee : 50.00
Flood Map#: Date of Map: 0/00/00 Flood Zone:
* Zoning Compliance Zoning Variance Rezoning and Development Denial
Rezoning Compliance Conditional Use Floodplain Exempt

Permit #: **210331** Issued Date: 06022021 Date Approved: 0/00/00
Parcel #: **807-31**
Physical Address: 492 OCEAN DRIVE
NORTH TOPSAIL BEACH 27613
Use Requested : DRIVEWAY
Zoning District : CU R-5 Lot Size: .00 Acr. Permit Fee : 50.00
Flood Map#: Date of Map: 0/00/00 Flood Zone:
* Zoning Compliance Zoning Variance Rezoning and Development Denial
Rezoning Compliance Conditional Use Floodplain Exempt

Permit #: **210332** Issued Date: 06022021 Date Approved: 6/02/21
Parcel #: **813-1.1**
Physical Address: 3658 ISLAND DRIVE
NORTH TOPSAIL BEACH 28445
Use Requested : CROSSWALK/DECK/PIER
Zoning District : R-20 Lot Size: .00 Acr. Permit Fee : 125.00
Flood Map#: Date of Map: 0/00/00 Flood Zone:
* Zoning Compliance Zoning Variance Rezoning and Development Denial
Rezoning Compliance Conditional Use Floodplain Exempt

Permit #: **210335** Issued Date: 06042021 Date Approved: 6/14/21
Parcel #: **779D-15**
Physical Address: 1905 NEW RIVER INLET ROAD
NORTH TOPSAIL BEACH 28460
Use Requested : CROSSWALK/DECK/PIER
Zoning District : R-10 Lot Size: .00 Acr. Permit Fee : 125.00
Flood Map#: Date of Map: 0/00/00 Flood Zone:
* Zoning Compliance Zoning Variance Rezoning and Development Denial
Rezoning Compliance Conditional Use Floodplain Exempt

Town of North Topsail Beach

Daily

Page # 2

PLANNING PERMITS

From: Month 05 Day 22 Year 21
Thru: Month 06 Day 24 Year 21

Permit #: **210351** Issued Date: 06132021 Date Approved: 6/14/21
Parcel #: **774G-40**
Physical Address: 1239 NEW RIVER INLET ROAD
NORTH TOPSAIL BEACH 29909
Use Requested : SINGLE FAMILY DWELLING
Zoning District : R-15 Lot Size: .00 Acr. Permit Fee : 125.00
Flood Map#: 3720428800K Date of Map: 6/19/20 Flood Zone: AE12
* Zoning Compliance Zoning Variance Rezoning and Development Denial
Rezoning Compliance Conditional Use Floodplain Exempt

Permit #: **210353** Issued Date: 06132021 Date Approved: 6/14/21
Parcel #: **775B-122**
Physical Address: 12 OSPREY DRIVE
NORTH TOPSAIL BEACH 27519
Use Requested : SINGLE FAMILY DWELLING
Zoning District : R-20 Lot Size: .00 Acr. Permit Fee : 125.00
Flood Map#: 37230427700K Date of Map: 6/19/20 Flood Zone: VE13
* Zoning Compliance Zoning Variance Rezoning and Development Denial
Rezoning Compliance Conditional Use Floodplain Exempt

Permit #: **210356** Issued Date: 06132021 Date Approved: 6/14/21
Parcel #: **805-20**
Physical Address: 299 SEA SHORE DRIVE
NORTH TOPSAIL BEACH 45368
Use Requested : CROSSWALK/DECK/PIER
Zoning District : R-5 Lot Size: .00 Acr. Permit Fee : 125.00
Flood Map#: 061920 Date of Map: 0/00/00 Flood Zone: 3720425500K
* Zoning Compliance Zoning Variance Rezoning and Development Denial
Rezoning Compliance Conditional Use Floodplain Exempt

Permit #: **210358** Issued Date: 06142021 Date Approved: 6/14/21
Parcel #: **769-5**
Physical Address: 4128 ISLAND DRIVE
NORTH TOPSAIL BEACH 19380
Use Requested : DRIVEWAY
Zoning District : R-20 Lot Size: 2.00 Acr. Permit Fee : 50.00
Flood Map#: Date of Map: 0/00/00 Flood Zone:
* Zoning Compliance Zoning Variance Rezoning and Development Denial
Rezoning Compliance Conditional Use Floodplain Exempt

Permit #: **210363** Issued Date: 06152021 Date Approved: 0/00/00
Parcel #: **774G-26**
Physical Address: 1180 NEW RIVER INLET ROAD
NORTH TOPSAIL BEACH 29707
Use Requested : CROSSWALK/DECK/PIER
Zoning District : R-15 Lot Size: .00 Acr. Permit Fee : .00
Flood Map#: Date of Map: 0/00/00 Flood Zone:
* Zoning Compliance Zoning Variance Rezoning and Development Denial
Rezoning Compliance Conditional Use Floodplain Exempt

Town of North Topsail Beach

Daily

Page # 3

PLANNING PERMITS

From: Month 05 Day 22 Year 21

Thru: Month 06 Day 24 Year 21

Permit #: **210364** Issued Date: 06152021 Date Approved: 6/15/21
Parcel #: **775B-42**
Physical Address: 451 NEW RIVER INLET ROAD
NORTH TOPSAI BEACH 44646
Use Requested : LAND DISTURBANCE
Zoning District : R-20 Lot Size: .00 Acr. Permit Fee : 50.00
Flood Map#: 3720427700J Date of Map: 11/03/05 Flood Zone: AE11
* Zoning Compliance Zoning Variance Rezoning and Development Denial
Rezoning Compliance Conditional Use Floodplain Exempt

Permit #: **210370** Issued Date: 06182021 Date Approved: 0/00/00
Parcel #: **779-14.13**
Physical Address: 2000 NEW RIVER INLET ROAD
NORTH TOPSAIL BEACH 28460
Use Requested :
Zoning District : R-5 Lot Size: .00 Acr. Permit Fee : 500.00
Flood Map#: Date of Map: 0/00/00 Flood Zone:
* Zoning Compliance Zoning Variance Rezoning and Development Denial
Rezoning Compliance Conditional Use Floodplain Exempt

Permit #: **210374** Issued Date: 06212021 Date Approved: 6/21/21
Parcel #: **778D-51**
Physical Address: 2387 NEW RIVER INLET ROAD
NORTH TOPSAIL BEACH 28460
Use Requested : CROSSWALK/DECK/PIER
Zoning District : R-10 Lot Size: 115617.00 Acr. Permit Fee : 125.00
Flood Map#: 3720429800J Date of Map: 11/03/05 Flood Zone: VE
* Zoning Compliance Zoning Variance Rezoning and Development Denial
Rezoning Compliance Conditional Use Floodplain Exempt

Permit #: **210379** Issued Date: 06232021 Date Approved: 0/00/00
Parcel #: **769-4.10 769-4.2**
Physical Address: 4021 ISLAND DRIVE L4 + L5
NORTH TOPSAIL BEACH 28460
Use Requested : FENCE
Zoning District : B-1 Lot Size: .00 Acr. Permit Fee : 50.00
Flood Map#: Date of Map: 0/00/00 Flood Zone:
* Zoning Compliance Zoning Variance Rezoning and Development Denial
Rezoning Compliance Conditional Use Floodplain Exempt

Permit #: **210380** Issued Date: 06242021 Date Approved: 0/00/00
Parcel #: **775C-45**
Physical Address: 17 SAILVIEW DRIVE
NORTH TOPSAIL BEACH 29708
Use Requested : ADDITIONS
Zoning District : CU R-8 Lot Size: .00 Acr. Permit Fee : 125.00
Flood Map#: Date of Map: 0/00/00 Flood Zone:
* Zoning Compliance Zoning Variance Rezoning and Development Denial
Rezoning Compliance Conditional Use Floodplain Exempt

Town of North Topsail Beach

Daily

Page # 4

PLANNING PERMITS

From: Month 05 Day 22 Year 21
Thru: Month 06 Day 24 Year 21

Permit #: **210381** Issued Date: 06242021 Date Approved: 0/00/00
Parcel #: **779B-81**
Physical Address: 1541 NEW RIVER INLET ROAD
NORTH TOPSAIL BEACH 28104
Use Requested : SINGLE FAMILY DWELLING
Zoning District : R-10 Lot Size: 1.00 Acr. Permit Fee : .00
Flood Map#: 3720428800K Date of Map: 6/19/20 Flood Zone: AE12
* Zoning Compliance Zoning Variance Rezoning and Development Denial
Rezoning Compliance Conditional Use Floodplain Exempt

Permit #: **210386** Issued Date: 06242021 Date Approved: 0/00/00
Parcel #: **774F-111**
Physical Address: 1079 NEW RIVER INLET ROAD
NORTH TOPSAIL BEACH 28445
Use Requested : SINGLE FAMILY DWELLING
Zoning District : CU R-15 Lot Size: .00 Acr. Permit Fee : 125.00
Flood Map#: 3720428700K Date of Map: 6/19/20 Flood Zone: AE12
* Zoning Compliance Zoning Variance Rezoning and Development Denial
Rezoning Compliance Conditional Use Floodplain Exempt

PERMITS ISSUED : 17



Town of North Topsail Beach
Board of Aldermen

Agenda	Consent
Item:	Agenda
Date:	7 1 2021

Issue: Planning Board & Program for Public Information (PPI) Committee Report
Hanna McCloud, Chair

Department: Planning

Prepared by: Deborah J. Hill MPA AICP CFM CZO

Presentation: No

The Planning Board regular meeting was held on June 10, 2021.

ORGANIZATIONAL MEETING

Members unanimously selected Hanna McCloud to continue as Chair and Paul Dorazio to continue as Vice Chair.

J. POWELL FISHER OFFER TO LEASE LAND FOR PUBLIC PARKING

Paul Dorazio made a recommendation for the Board of Aldermen to make the decision what they feel they need to do with that lot. Mrs. Brown seconded the motion. The motion passed, 4 to 3.

TEXT AMENDMENT: BOAT RAMPS/BOAT HOUSES AS PRINCIPAL USE

Mrs. Dixon made a motion to support what staff has brought up and that we go along with (Division of) Coastal Management as far as permitting or allowing these structures as a principle use. Chair McCloud read staff's recommendation, that the Planning Board 1) consider "what constitutes reasonable use" relative to principal use, as applied to boat lifts, private boat ramps and boat houses; and, 2) if it is determined that boat ramps, boat houses, docks and bulkheads as principal use are desirable, recommend an amendment to Table 4-1 to the Board of Aldermen, accordingly. Mrs. Greene seconded the motion, The motion passed 7-0.

CASE #R-21-01 RODRIGUEZ

Joe Rodriguez is requesting a rezoning of Lots 1-21 at Sea Gull Ln & NRI 778C-169.4, as shown in Map Book 30 at Page 20, Onslow County Registry, from B-1 to R-8. The Planning Board recommends unanimously, 7-0, that the Board of Aldermen approve the application to rezone the property from B-1 to R-8.

CASE #R-21-01 HERRING

On behalf of his clients Herring Sisters, Charles Riggs is requesting a rezoning of 323 GOLDSBORO LN 774-22, unrecorded plat, from R-10 to R-5. The Planning Board recommends unanimously, 7-0, that the Board of Aldermen approve the application to rezone the property from R-10 to R-5.

The Planning Board regular meeting was continued until June 13, 2021.

UNIFORM DEVELOPMENT ORDINANCE (NCGS 160D AMENDMENTS)

Mr. Dorazio made a motion to recommend that the Board of Aldermen adopt the proposed amendments to the UDO based on NCGS 160-D, as indicated on "G.S. Chapter 160-D Checklist of Changes to Local Ordinances, Policies, and Practices." Mr. Fontana seconded the motion, motion passed unanimously, 4-0.



Town of North Topsail Beach
Board of Aldermen

Agenda	Consent
Item:	Agenda
Date:	07 01 2021

Issue: Board of Adjustment Committee Report
Hanna McCloud, Chair

Department: Planning

Prepared by: Deborah J. Hill MPA AICP CFM CZO

Presentation: No

The Board of Adjustment held no meeting in June, 2021, as there were no variances or appeals to be heard.



Town of North Topsail Beach
Board of Aldermen

Agenda

Item:

Date: **7/1/2021**

Issue: J. Powell Fisher Offer to Lease 2072 New River Inlet Road for Public Parking

Department: Planning

Prepared by: Deborah J. Hill MPA AICP CFM CZO

Presentation: Yes

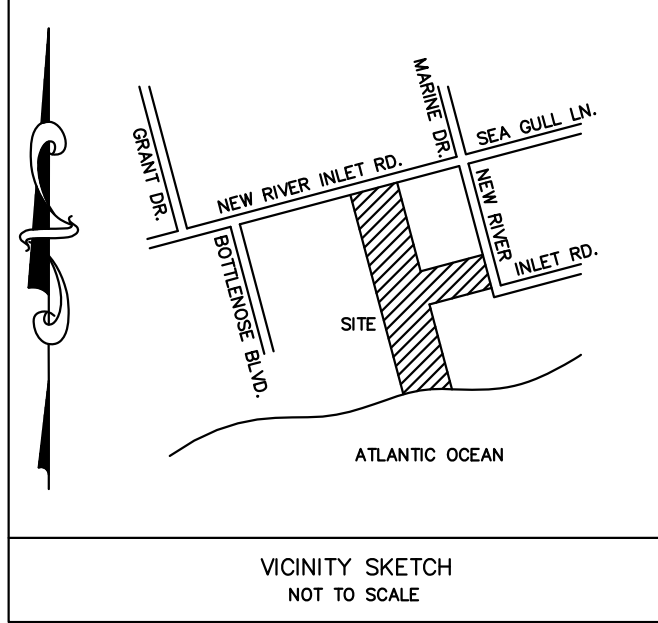
BACKGROUND Mr. J. Powell Fisher is offering to lease his property at 2072 New River Inlet Road to the Town for public parking.

At the Planning Board regular meeting on May 13, 2021, Mrs. Dickson made a motion to table this item to next month's Planning Board meeting. Mr. Fontana seconded, the motion passed unanimously, 7-0.

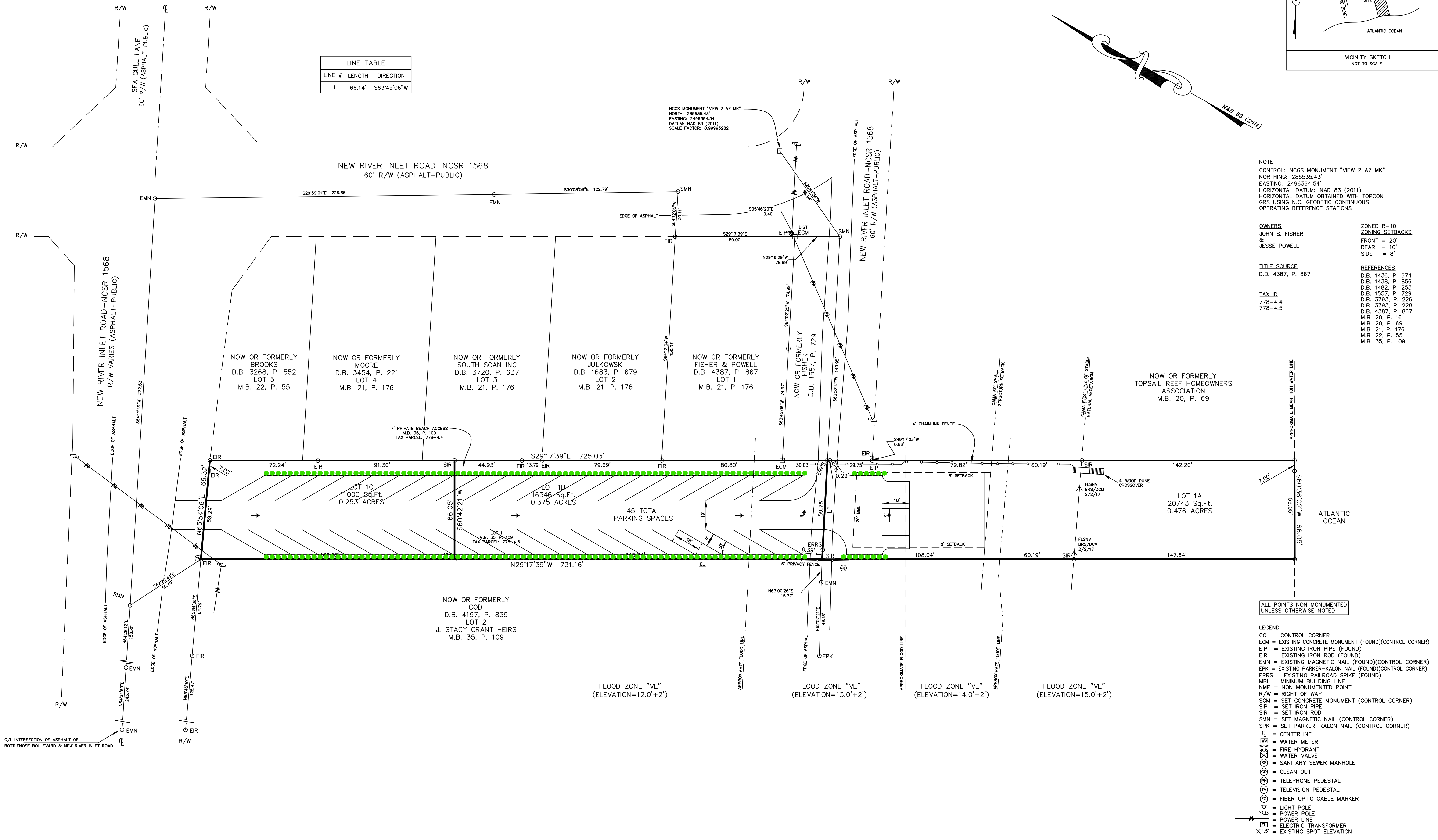
On June 10, 2021, the Planning Board continued their discussion of Mr. Fisher's offer to lease.

RECOMMENDATION Paul Dorazio made a recommendation for the Board of Aldermen to make the decision what they feel they need to do with that lot. Mrs. Brown seconded the motion. The motion passed, 4 to 3. (NOTE: if desire of the Board is to negotiate offer, Planning Director recommends consulting with the Town Attorney and consider this matter in closed session pursuant to § 143-318.11.(a)(5)).

ATTACHMENT 1. Parking Plans



LINE TABLE		
LINE #	LENGTH	DIRECTION
L1	66.14'	S63°45'06"W



NOTE
 CONTROL: NCGS MONUMENT "VIEW 2 AZ MK"
 NORTHING: 285535.43'
 EASTING: 2496364.54'
 HORIZONTAL DATUM: NAD 83 (2011)
 HORIZONTAL DATUM OBTAINED WITH TOPCON
 GRS USING N.C. GEODETIC CONTINUOUS
 OPERATING REFERENCE STATIONS

OWNERS
 JOHN S. FISHER &
 JESSE POWELL

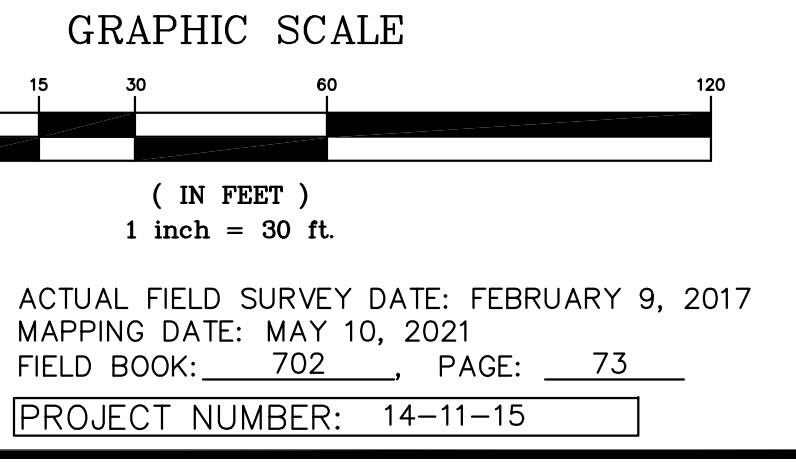
TITLE SOURCE
 D.B. 4387, P. 867

TAX ID
 778-4.4
 778-4.5

ZONED R-10 ZONING SETBACKS
 FRONT = 20'
 REAR = 10'
 SIDE = 8'

REFERENCES
 D.B. 1436, P. 674
 D.B. 1438, P. 856
 D.B. 1482, P. 253
 D.B. 1557, P. 729
 D.B. 3793, P. 226
 D.B. 3793, P. 228
 D.B. 4387, P. 867
 M.B. 20, P. 16
 M.B. 20, P. 69
 M.B. 21, P. 176
 M.B. 22, P. 55
 M.B. 35, P. 109

- ALL POINTS NON MONUMENTED UNLESS OTHERWISE NOTED
- LEGEND**
- CC = CONTROL CORNER
 - ECM = EXISTING CONCRETE MONUMENT (FOUND)(CONTROL CORNER)
 - EIP = EXISTING IRON PIPE (FOUND)
 - EIR = EXISTING IRON ROD (FOUND)
 - EMN = EXISTING MAGNETIC NAIL (FOUND)(CONTROL CORNER)
 - EPK = EXISTING PARKER-KALON NAIL (FOUND)(CONTROL CORNER)
 - ERRS = EXISTING RAILROAD SPIKE (FOUND)
 - MBL = MINIMUM BUILDING LINE
 - NMP = NON MONUMENTED POINT
 - R/W = RIGHT OF WAY
 - SCM = SET CONCRETE MONUMENT (CONTROL CORNER)
 - SIP = SET IRON PIPE
 - SIR = SET IRON ROD
 - SMN = SET MAGNETIC NAIL (CONTROL CORNER)
 - SPK = SET PARKER-KALON NAIL (CONTROL CORNER)
 - C = CENTERLINE
 - WM = WATER METER
 - FH = FIRE HYDRANT
 - WV = WATER VALVE
 - SMH = SANITARY SEWER MANHOLE
 - CO = CLEAN OUT
 - TP = TELEPHONE PEDESTAL
 - TEP = TELEVISION PEDESTAL
 - FOCM = FIBER OPTIC CABLE MARKER
 - LP = LIGHT POLE
 - PP = POWER POLE
 - PL = POWER LINE
 - ET = ELECTRIC TRANSFORMER
 - SE = EXISTING SPOT ELEVATION



CHARLES F. RIGGS & ASSOCIATES, INC. (C-730)
 LAND SURVEYING - CONVENTIONAL & GLOBAL POSITIONING SYSTEMS,
 LAND PLANNING & COMPUTER MAPPING

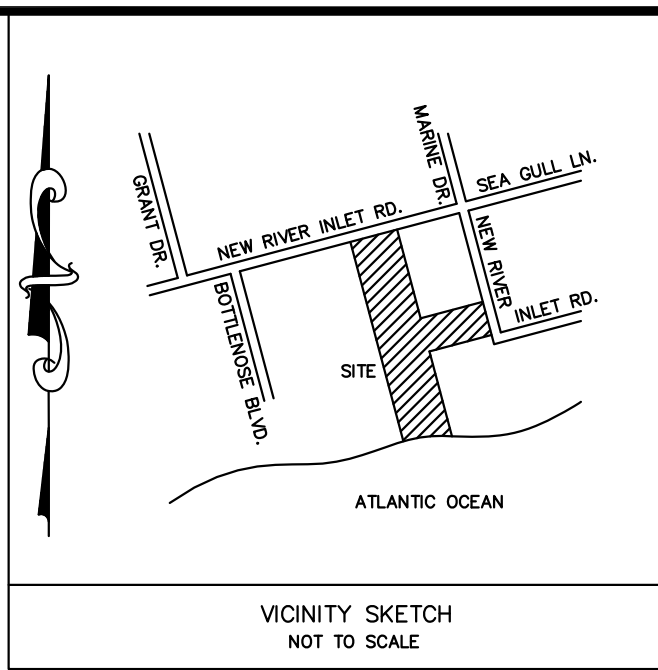
502 NEW BRIDGE STREET
 P.O. BOX 1570
 JACKSONVILLE, NC 28540-1570
 TELEPHONE: (910) 455-0877
 E-MAIL: riggsland@riggslandnc.com

LANDFALL EXECUTIVE SUITES
 1213 CULBRETH DRIVE
 WILMINGTON, NC 28405
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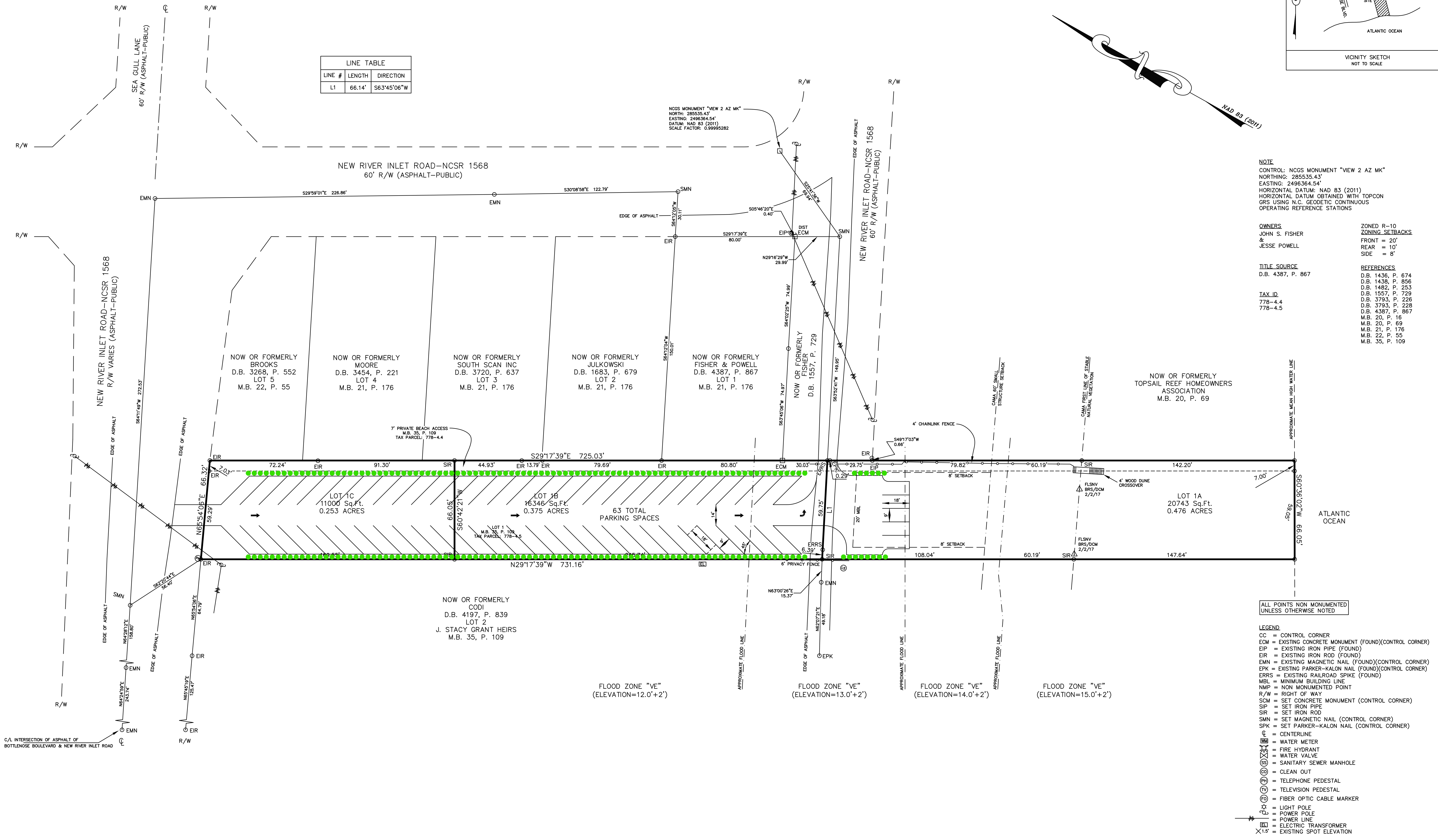
PROPOSED PARKING PLAN A
 LOTS 1A, 1B & 1C
 FORMERLY LOT 1 & THE 7' PRIVATE BEACH ACCESS, M.B. 35, P. 109
 STUMP SOUND TOWNSHIP, ONSLOW COUNTY, NORTH CAROLINA
 JOHN S. FISHER & JESSE POWELL, OWNERS, D.B. 4387, P. 867
 NEW RIVER INLET ROAD

PRELIMINARY PLAN
 NOT FOR RECORDATION,
 CONVEYANCES OR SALES

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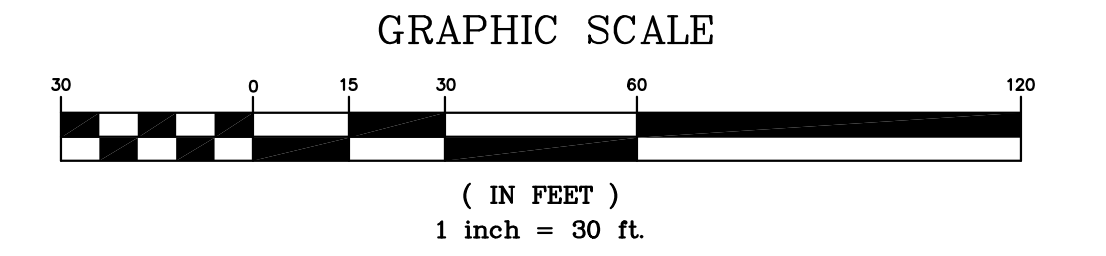
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ACTUAL FIELD SURVEY DATE: FEBRUARY 9, 2017
 MAPPING DATE: MAY 10, 2021
 FIELD BOOK: 702 PAGE: 73
 PROJECT NUMBER: 14-11-15

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