

**BOARD OF
COMMISSIONERS
REGULAR MEETING
AUGUST 21, 2023
5:00 PM**



**R. Jay Foster Hall of
Justice - Womack
Building**

-
1. Public Hearing
 - A. Call to Order the Public Hearing - Chairman Melton. The purpose of the public hearing is to receive public comment on the proposed Zoning Ordinance Amendments. The public hearing was properly advertised. A copy of the draft amendments is available for review on the County website, www.polknc.org, or in the County Manager's Office located at 40 Courthouse St., Columbus.
 - B. Citizen Comments.
 - C. Adjourn Public Hearing.
 2. Call to Order the Regular Meeting - Chairman Melton.
 3. Invocation - Chairman Melton.
 4. Pledge of Allegiance - Commissioner Moore.
 5. Approval of Agenda
 - A. Motion to approve or amend the agenda as presented.
 6. Consent Agenda - Motion to approve the Consent Agenda.
 - A. Approval of July 21, 2023 Work Session and Regular Meeting Minutes.
 - B. Vaya Health Quarterly Financial Reports for the period ending June 30, 2023.
 - C. Tax Refund Requests in the amount of \$30,845.75.
 - D. Approve the budget amendment to appropriate fund balance for Phase II of the Solid Waste Soil Erosion and Sedimentation Control Project (SE&SC) in the amount of \$371,559. (Project approved at the 12.19.2022 BOC Meeting)
 - E. Approval of North Carolina Department of Cultural Resources, Records Retention and Disposition Schedule for Public Transportation Systems and Authorities.
 - F. Sheriffs Department Monthly Activity Report for July 2023.
 - G. Approve the budget amendment in the amount of \$65,000 and the Amended Project Budget Ordinance to finalize the Board of Elections Renovation Project.
 - H. Approve Purchase Order request for Republic Services, Inc. by the Polk County Landfill in the amount of \$1.2 million for trash hauling and disposal.

Motion to approve the Consent Agenda.

7. Citizen Comments on Agenda Items.
8. Polk County 911 Renovation Project Discussion - James R. Stumbo, President Stewart - Cooper - Newell Architects.
9. Polk County Zoning Ordinance Amendments - Cathy Ruth, Planning/Economic Development Director.
Motion to approve the amended Zoning Ordinance.
10. Acceptance of the bid received in the amount of \$13,100 for surplus property further described as Polk County Parcel P116-123 located on Rambling Creek Dr., Tryon. (An invitation for upset bid was advertised and none received) - Attorney Berg.
Motion to accept the bid in the amount of \$13,100.
11. Harmon Field Paving Project - Manager Pittman.
Motion to participate in the project and approve the budget amendment in the amount of \$68,650.
12. Polk County GREAT Grant (Federally Funded) Project, Grantee Progress Report for 2nd Quarter 2023 - Manager Pittman.
13. Citizen Comments on Non-Agenda Items.
14. Volunteer Board Application(s)
 - A. Volunteer Board Applications for Consideration: Animal Cruelty Investigators - Evalynn Hyra, Taylor Lampert, Sarah McDonald, Margo Savage, Paula Spinale. Economic & Tourism Development Commission - Michael Kleiner. Fire Rescue Advisory Committee - Jeremy Gregg, Joshua Walton.
15. Chairman and Commissioner Comments.
16. Adjournment



NOTICE OF PUBLIC HEARING

Notice is hereby given that at 5:00 p.m., on Monday, August 21, 2023, in the R. Jay Foster Hall of Justice, Womack Building, 40 Courthouse Street, Columbus, NC 28722, the Polk County Board of Commissioners will hold a public hearing to receive citizen input on proposed Polk County Zoning Ordinance amendments.

Copies of the proposed ordinance are available for review or purchase (at a nominal cost) in the County Manager's Office in the Womack Building. They are also available online at www.polknc.org. For additional information about this Public Hearing, contact the County Manager's office, at (828) 894-3301.

Kristy A. Tipton
Clerk to the Board of Commissioners

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

August 21, 2023 Regular Meeting

Agenda Item#: A.

ATTACHMENTS:

Description	Type	Upload Date
Regular Meeting Minutes	Cover Memo	8/16/2023
Work Session Minutes	Cover Memo	8/16/2023

POLK COUNTY BOARD OF COMMISSIONERS
Regular Meeting
July 24, 2023 - 5:00 PM
R. Jay Foster Hall of Justice - Womack Building
Columbus, NC
MINUTES

PRESENT: Chairman Melton, Vice-Chairman Yoder, Commissioner Moore, and Commissioner Overholt. Also in attendance were Manager Pittman, Attorney Berg, Clerk to the Board Tipton, media, and citizens. Commissioner Beiler was absent.

1. Call to Order - Chairman Melton.
2. Invocation - Commissioner Overholt.
3. Pledge of Allegiance - Chairman Melton.
4. Approval of Agenda

A. Items may be added or removed at this time.

Vice-Chairman Yoder moved to approve the agenda, seconded by Commissioner Moore and the motion carried unanimously.

Absent: Beiler

5. Consent Agenda - Motion to approve the Consent Agenda.
 - A. Approval of June 19, 2023 Regular Meeting Minutes.
 - B. Sheriffs Department Monthly Activity Report for June 2023.
 - C. Tax Refund Requests for June and July in the amount of \$4,956.86.
 - D. Accept the Grant from Carolina Foothills Foundation in the amount of \$16,500 awarded to Polk County Public Libraries to be used for a mobile kitchen for library programs and approve the budget amendment.
 - E. Polk County Community Child Fatality Prevention and Protection Team (CCPT) Annual Report.
 - F. Budget amendment to appropriate \$50,000 using funds received from sales tax refunded in FY19, for capital project and amend the Project Budget Ordinance to increase the project for countywide radio communication system.
 - G. Schedule a public hearing to consider the proposed Zoning Ordinance Amendments Monday, August 21, 2023 at 5:00 pm in the R. Jay Foster

Hall of Justice, Womack Building.

Commissioner Moore moved to approve the Consent Agenda, seconded by Commissioner Overholt and the motion carried unanimously.
Absent: Beiler

6. Citizen Comments on Agenda Items.

There were no citizen comments on agenda items.

7. Green River Dredging Update - Joel Lenk, Quible & Associates, P.C.

Joel Lenk with Quible & Associates, P.C. gave an update to the Board on the Green River Dredging Project. He said the access road was in and the guard rail along Palmer Rd. has been modified. He went on to say that they are still in the permitting phase of the project due to the many various permits this project. He said there will be a review process of the permit applications by the state and the timeframe is uncertain.

8. NCDOT Prioritization 7 - Alan Toney, Community & Economic Development Director, Foothills Regional Commission.

Mr. Toney presented the Prioritization 7 projects for Polk County. He explained that this is the 7th cycle of the State Transportation Improvement Law (STIL) and is how the determination is made for which projects are funded. He said there are four projects in Polk County, two in the Town of Columbus and two in the City of Saluda. He said the funding of these projects does not take away funding for repair and emergency projects in the county.

9. Juvenile Crime Prevention Council (JCPC) County Fund Plan for FY 2023/24 including membership - Lynne Barnette, Chair JCPC

Lynne Barnette presented the JCPC County Fund Plan for FY 2023/24 a copy of which is incorporated into these minutes as reference. Also included was the membership recommendations for the upcoming year.

Commissioner Moore moved to approve the County Funding Plan and the members as presented, seconded by Vice-Chairman Yoder and the motion carried unanimously.
Absent: Beiler

10. Polk County Schools - Brandon Schweitzer, Ed. D., Director of Operations.

A. Needs-Based Public School Capital Fund (NBPSCF) Requests - Second Payment on the Tryon Elementary PreK Addition.

Dr. Schweitzer said this would be a monthly request for the Tryon Elementary PreK addition as they receive payment applications from their contractor. He said they are on schedule and looking to complete the project in early 2024.

Commissioner Overholt moved to approve the distribution request, seconded by Vice-Chairman Yoder, and the motion carried unanimously. Absent: Beiler

B. Request to transfer \$535,823.31 from the County's Capital Reserve Account to reimburse Polk County Schools for Capital Expenses. Dr. Schweitzer said this is a bulk request seeking reimbursement for a dump truck, activity bus, network server refresh, security cameras, and phase 1 of the paving project at Polk County High School.

Vice-Chairman Yoder moved to approve the budget amendment in the amount of \$532,823.31, seconded by Commissioner Overholt, and the motion carried unanimously. Absent: Beiler

11. Polk County Appearance Commission - Robert Williamson, Appearance Commission Member.

Mr. Williamson gave a presentation on kudzu eradication, a copy of which is hereby incorporated into these minutes as reference.

12. Polk County Lifesaver Awards - Sheriff Tim Wright.

Sheriff Wright presented Lifesaver Awards to three deputies for their quick action and teamwork administering medical care to an individual. The three deputies were Deputy Matthew DeRosa, Deputy Matthew Buckner, and Deputy Vincent B. Scoggins.

13. Proclamation to declare July 2023 as Parks and Recreation Month - Laura Baird, Recreation Coordinator.

Mrs. Baird presented the proclamation to the Board for approval.

Vice-Chairman Yoder moved to the proclamation declaring July 2023 as Parks and Recreation Month, seconded by Commissioner Overholt and the motion carried unanimously.
Absent: Beiler

14. 911 Grant Agreement Extension - Manager Pittman.

Manager Pittman presented request to amend the 911 Grant Agreement for the 911 renovation project. The amendment extends the grant to June 1, 2026

Commissioner Overholt moved to the amendment to the 911 Grant Agreement, seconded by Commissioner Moore and the motion carried unanimously.
Absent: Beiler

15. Addendum to the Capital Campaign Management Agreement between Convergent Nonprofit Solutions and Polk County - Attorney Berg.

Attorney Berg explained that as part of the process to register our capital campaign with the NC Secretary of State's Charitable Solicitation Division, two clauses needed to be added to our contract with Convergent to meet the state

requirements.

Commissioner Moore moved to approve the addendum to the Capital Campaign Management Agreement, seconded by Vice-Chairman Yoder and the motion carried unanimously.

Absent: Beiler

16. Designation of a voting delegate and alternate for the Annual Business Session on August 26, 2023, at 2:00 p.m to be held during the 116th Annual Conference of the North Carolina Association of County Commissioners in Wake County.

Chairman Melton recommended that Vice-Chairman Yoder be named the voting delegate and Commissioner Overholt recommended that Commissioner Moore be the alternate.

Commissioner Moore moved to appoint Vice Chariman Yoder as voting delegate, seconded by Commissioner Overholt and the motion carried unanimously.

Absent: Beiler

Vice-Chairman Yoder moved to appoint Commissioner Moore as the alternate, seconded by Commissioner Overholt and the motion carried unanimously.

Absent: Beiler

17. Citizen Comments on Non-Agenda Items.

There were three citizen comments on non-agenda items.

18. Volunteer Board Application(s)

- A. Volunteer Board Applications for Consideration: Appearance Commission - Carolyn Ashburn, Robert Williamson; Economic and Tourism Development Commission - Katie Biel; Foothills Workforce Development Board - Craig Hilton; Fire Rescue Advisory Committee - George F. Ledbetter; Juvenile Crime Prevention Council - Kevin Blackwell, Lee Bradley (Commissioner Appointees), and Isack Alvarado (student); Mental Health Advisory Board - Riley Harding; Recycling Advisory Board - Donna Pat Linnon.

Commissioner Moore moved to approve the applicants as presented, seconded by Vice-Chairman Yoder and the motion carried unanimously.

Absent: Beiler

19. Chairman and Commissioner Comments.

The Commissioners collectively thanked everyone in attendance.

20. Closed Session

- A. Motion to go into closed session for the purpose of attorney client

privilege.

Commissioner Moore moved to go into Closed Session for the purpose of attorney-client privilege, seconded by Commissioner Overholt and the motion carried unanimously.

Absent: Beiler

B. Motion to return to open session.

Commissioner Moore moved to return to open session, seconded by Vice-Chairman Yoder and the motion carried unanimously.

Absent: Beiler

21. Adjournment

Vice-Chairman Yoder moved to adjourn, seconded by Commissioner Moore and the motion carried unanimously.

Absent: Beiler

Attest:

POLK COUNTY BOARD OF
COMMISSIONERS

Kristy A Tipton
Clerk to the Board

Tommy W. Melton
Chairman

POLK COUNTY BOARD OF COMMISSIONERS
Proposed Amendments to Polk County Zoning Ordinance
July 24, 2023 - 3:00 PM
R. Jay Foster Hall of Justice - Womack Building
Columbus, NC
MINUTES

PRESENT: Chairman Melton, Vice-Chairman Yoder, Commissioner Moore, and Commissioner Overholt. Also in attendance were Manager Pittman, Attorney Berg, Clerk to the Board Tipton, media, and citizens. Commissioner Beiler was absent.

1. Call to Order - Chairman Melton.
2. Proposed amendments to the Polk County Zoning Ordinance - Cathy Ruth, Planning/Economic Development Director.

Cathy Ruth presented the proposed amendments to the zoning ordinance, a copy of which is hereby incorporated into these minutes for reference.

3. Adjournment

Commissioner Moore moved to adjourn, seconded by Commissioner Overholt and the motion carried unanimously.

Absent: Beiler

Attest:

POLK COUNTY BOARD OF
COMMISSIONERS

Kristy A Tipton
Clerk to the Board

Tommy W. Melton
Chairman

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

August 21, 2023 Regular Meeting

Agenda Item#: B.

ATTACHMENTS:

Description	Type	Upload Date
Q4 County Commissioner Quarterly Report	Cover Memo	7/31/2023
June 2023 Fiscal Monitoring Report	Cover Memo	7/31/2023
Spendable Cash	Cover Memo	7/31/2023



July 27, 2023

RE: Vaya Health Quarterly Report to the Communities for Period Ending June 30, 2023 (Preliminary - Unaudited)

Dear County Representatives:

Enclosed you will find a financial update for Vaya Health for the most recent quarter ending June 30, 2023. Included in this email are the following documents:

- Fiscal Monitoring Report
- Total Spendable Cash Report, which provides greater clarity of cash availability after reserving 30 days of cash for operations and accounts payable. Note that this is a more conservative calculation than the State solvency metric which does not allow for certain working capital needs. Also note that a significant amount of cash (over \$100M) is restricted for Medicaid Risk Reserve and may be spent only in the case of insolvency to pay claims for providers.

We did continue to acknowledge the ongoing impact of the Public Health Emergency into this fiscal year for both Vaya and partnering physician practices. Service expenditure rates to providers were kept at enhanced levels through November 30, five months after the sunset of the public health emergency funding Vaya received in capitation. This extension and investment contributed to margin shortfalls through the period.

Please note that the figures being reported for June 30, 2023 do NOT represent audited figures. These are preliminary figures as the books for June 2023 will remain open for a couple more weeks. Vaya's external CPA/Auditing firm will begin their final field work in mid-August 2023 to complete the audited financial statements for the FY ending June 30, 2023. After the completion of the audit, revised figures for June 30, 2023 will be provided.

Over the upcoming quarters, management will continue the high-quality focused health care management of our regional population in the 31 counties served by Vaya, and continue to strategically prepare for the new Tailored Plan. The new "go live" date for Tailored Plans has not yet been determined.

Should you have any additional questions or comments, please do not hesitate to contact me via email (larry.hill@vayahealth.com) or phone (828-225-2785, Ext. 4743).

Sincerely,

Larry E. Hill
Executive VP and CFO, Vaya Health

Fiscal Monitoring Report

LME / MCO NAME: VAYA HEALTH FOR THE PERIOD ENDING: 6/30/2023 (Preliminary-Unaudited)
 # of month in the fiscal year (July = 1, August = 2, . . . , June = 12) =====> 12

	(1)	(2)	(3)	(4)	(5)	(6)
	PRIOR YEAR		CURRENT YEAR 2022-2023			
	2021-2022					
	BUDGET	ACTUAL	BUDGET	ACTUAL	BALANCE	ANNUALIZED
				YR-TO-DATE	(Col. 3-4)	PERCENTAGE
1. REPORT OF BUDGET VS. ACTUAL						
REVENUE						
Interest Earned	52,000	82,769	3,045,000	3,078,158	(33,158)	101.09%
IGT Cardinal Income	7,730,727	99,411,564	-	-	-	-
Appropriation of Fund Balance	3,860,084	-	-	-	-	-
Other Local	8,055,724	7,058,082	9,133,521	11,810,341	(2,676,820)	129.31%
Total Local Funds	19,698,535	106,552,415	12,178,521	14,888,498	(2,709,977)	122.25%
County Appropriations (by County, includes ABC Funds):						
Alexander County	50,000	50,000	50,000	50,000	-	100.00%
Alleghany County	109,709	109,709	109,709	60,000	49,709	54.69%
Ashe County	189,566	189,566	189,566	189,566	-	100.00%
Avery County	89,600	89,600	89,600	89,600	-	100.00%
Buncombe County	600,000	600,000	600,000	600,000	-	100.00%
Caswell County	48,599	-	97,197	-	97,197	0.00%
Caldwell County	127,138	121,101	121,138	125,206	(4,068)	103.36%
Chatham County	206,725	219,348	413,450	419,109	(5,659)	101.37%
Cherokee County	75,000	75,000	75,000	75,000	-	100.00%
Clay County	15,000	15,000	15,000	15,000	-	100.00%
Franklin County	54,850	61,580	118,600	120,663	(2,063)	101.74%
Graham County	6,000	6,000	6,000	6,000	-	100.00%
Granville County	56,400	66,273	116,799	120,207	(3,408)	102.92%
Haywood County	109,000	105,382	112,000	106,050	5,950	94.69%
Henderson County	528,612	528,612	528,612	528,612	-	100.00%
Jackson County	123,081	123,081	123,081	123,081	-	100.00%
Macon County	106,623	106,623	106,623	106,623	-	100.00%
Madison County	30,000	30,000	30,000	30,000	-	100.00%
McDowell County	67,856	67,856	67,856	67,856	-	100.00%
Mitchell County	18,000	18,000	18,000	18,000	-	100.00%
Person County	72,642	58,746	145,383	150,295	(4,912)	103.38%
Polk County	78,991	79,001	79,491	79,208	283	99.64%
Rowan County	246,000	262,846	492,000	492,000	-	100.00%
Stokes County	30,000	28,470	9,000	-	9,000	0.00%
Swain County	-	8,223	30,000	26,613	3,387	88.71%
Transylvania County	99,261	99,261	99,261	99,261	-	100.00%
Vance County	83,050	95,238	170,099	175,594	(5,495)	103.23%
Watauga County	171,194	171,194	171,194	171,194	-	100.00%
Wilkes County	236,612	237,238	237,612	235,244	2,368	99.00%
Yancey County	26,000	26,000	26,000	26,000	-	100.00%
Total County Funds	3,655,507	3,648,948	4,448,271	4,305,981	142,290	96.80%
DMH/DD/SAS State and Federal Funding	101,810,310	98,525,521	137,545,040	123,727,950	13,817,090	89.95%
DHB Capitation Funding (Medicaid)	531,633,113	551,537,037	714,280,060	665,821,154	48,458,906	93.22%
DHB Risk Reserve Funding (Medicaid)	2,700,000	2,704,626	11,000,000	10,924,519	75,481	-
All Other State/Federal Funds	1,845,000	2,197,322	3,375,000	3,448,617	(73,617)	102.18%
Total State, Federal and Medicaid Funds	637,988,423	654,964,506	866,200,100	803,922,240	62,277,860	102.66%
TOTAL REVENUE	661,342,465	765,165,869	882,826,893	823,116,720	59,710,172	93.24%
EXPENDITURES:						
Administration	105,734,497	102,718,356	173,388,543	175,115,218	(1,726,675)	101.00%
LME Provided Services (Service Support)	4,020,390	3,442,520	3,713,228	3,637,864	75,364	97.97%
Provider Payments (State Funds)	67,787,962	70,173,410	88,243,541	84,110,820	4,132,721	95.32%
Provider Payments (Federal Funds)	25,378,724	23,211,459	42,273,343	28,635,696	13,637,647	67.74%
Provider Payments (County Funds)	3,655,507	3,515,270	4,448,271	3,921,142	527,129	88.15%
Provider Payments (Medicaid)	453,300,763	466,557,858	569,741,445	560,422,234	9,319,211	98.36%
Permanent Supported Housing and Back at Home Payments	1,464,622	1,138,871	1,018,521	829,236	189,286	81.42%
TOTAL EXPENDITURES	661,342,465	670,757,744	882,826,893	856,672,209	26,154,683	97.04%
Net Income or (Loss) (from Operations and Risk Reserve)		94,408,125		(33,555,489)		
Less Risk Reserve Revenue		(2,704,626)		(10,924,519)		
NET INCOME OR (LOSS) FROM OPERATIONS		91,703,499		(44,480,008)		
2. FUND BALANCE						
Restricted Fund Balance for Risk Reserve		89,527,107		100,451,626		
Restricted Fund Balance - State Statute, Prepaids & Investment in Fixed Assets		27,883,747		35,713,785		
Unrestricted Fund Balance (including Board Commitments)		74,931,479		22,621,212		
TOTAL FUND BALANCE		192,342,333		158,786,623		
3. CURRENT CASH POSITION						
Current Cash in Bank (Including Risk Reserve)				260,861,371		
Less Risk Reserve Cash				(100,451,626)		
TOTAL OPERATING CASH				160,409,746		*See additional Document
4. ESTIMATED SERVICES INCURRED BUT NOT REPORTED/PAID (IBNR)						
				55,922,278		

Vaya Health Total Spendable Cash
As of June 30, 2023
(Preliminary - Unaudited)

Total Operating Cash (Excluding Risk Reserve)	160,409,746
Less Accounts Payable and IBNR	(101,903,000)
Plus Accounts Receivable	18,351,212
Less Annual Leave Payout Liability	(5,346,748)
Less Other Post Employment Benefits Liability	(4,804,000)
Less 30 Days Cash	(69,601,481)
Spendable Cash	(2,894,271)

In accordance with G.S. 122C-124.2(e)(3), the Risk Reserve's purpose is to pay outstanding liabilities (unpaid claims) to providers in cases of insolvency and not intended to be used for operating costs. These resources are not available for payment of non-provider claims and may not be accessed by the LME MCO without written consent from DHHS.

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

August 21, 2023 Regular Meeting

Agenda Item#: C.

ATTACHMENTS:

Description	Type	Upload Date
Tax Refund Request	Cover Memo	8/15/2023
Tax Refund Request	Cover Memo	8/15/2023

Memorandum

To: Polk County Board of Commissioners

From: Melissa O'Loughlin, Polk County Tax Administrator

Date: 7/31/2023

Re: Refund Request

<u>Taxpayer</u>	<u>Parcel</u>	<u>Amount</u>	<u>Reason</u>
Weyer Sascha	Vehicle	\$341.05	Vehicle Sold-Tag Turned In
First Citizens Mortgage	P95-36	\$1,281.69	DOUBLE PAYMENT- CUSTOMER PAID BEFORE MORTGAGE CO.
	P70-29		
	C4-D4		
	P12-11		
	P59-80		
	P98-106		
	P98-166		
	P47-46		
	T5-H7		
	S15-A5		
	P108-31		
	C9-B6		
	P74-156		
	P37-22		
	P88-107		DOUBLE PAYMENT- CUSTOMER PAID BEFORE MORTGAGE CO.
Corelogic	P73-101	\$26,409.46	

TOTAL: **\$28,032.20**

Memorandum

To: Polk County Board of Commissioners

From: Melissa O'Loughlin, Polk County Tax Administrator

Date: 8/15/2023

Re: Refund Request

<u>Taxpayer</u>	<u>Parcel</u>	<u>Amount</u>	<u>Reason</u>
Hines Rahjay Markel/Hines Calvin	Vehicle	\$108.62	Vehicle Sold-Tag Turn In
First Bank	P87-306	\$2,577.61	DOUBLE PAYMENT- CUSTOMER PAID BEFORE MORTGAGE CO.
Ouellette Adam John	Vehicle	\$127.32	Vehicle Sold-Tag Turn In

TOTAL: **\$2,813.55**

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

August 21, 2023 Regular Meeting

Agenda Item#: D.

ATTACHMENTS:

Description	Type	Upload Date
Budget Amendment	Cover Memo	8/16/2023

POLK COUNTY FINANCE

BUDGET AMENDMENT: SOLID WASTE FUND BALANCE

DATE: 8/21/2023 BOC Meeting

BATCH #: _____ LINE _____

Dept.: Solid Waste

Amendment # : 2-F Fund balance

INCREASE EXPENSE

INCREASE FUND BALANCE APPROPRIATED

GL ACCOUNT #
51-4720-9800-0 Transfer \$ 371,559
 to SW Capital Project

GL ACCOUNT #
51-3991-0000 Fund Balance Approp \$ (371,559)

371,559

(371,559)

EXPLANATION: To appropriate fund balance for phase II of the Solid Waste Erosion Control Project

Date approved & entered into the BOC minutes

COUNTY MANAGER

FINANCE OFFICER

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

August 21, 2023 Regular Meeting

Agenda Item#: E.

ATTACHMENTS:

Description

Type

Upload Date

Records RetentionSchedule

Cover Memo

8/4/2023

RECORDS RETENTION AND DISPOSITION SCHEDULE

PUBLIC TRANSPORTATION SYSTEMS AND AUTHORITIES



Issued By:

North Carolina Department of Cultural Resources
Division of Historical Resources
Archives and Records Section
Government Records Branch

April 1, 2006

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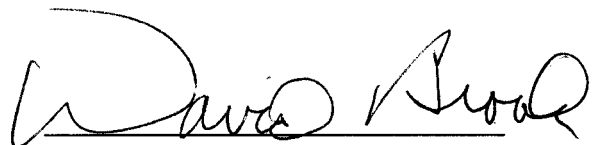
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PUBLIC TRANSPORTATION SYSTEMS AND AUTHORITIES RECORDS RETENTION AND DISPOSITION SCHEDULE

The records retention and disposition schedule and retention periods governing the records series listed herein are hereby approved. In accordance with the provision of Chapter 121 and 132 of the General Statutes of North Carolina, it is agreed that the records do not and will not have further use or value for official business, research, or reference purposes after the respective retention periods specified herein and are authorized to be destroyed or otherwise disposed of by the agency or official having custody of them without further reference to or approval of either party to this agreement. It is further agreed that these records may not be destroyed prior to the time periods stated; however, for sufficient reason they may be retained for longer periods. This schedule is to remain in effect from the date of approval until it is reviewed and updated.

APPROVAL RECOMMENDED

Agency Director, CEO



David Brook, Director
Division of Historical Resources

APPROVED

Chairman, Agency Governing Board



Lisbeth C. Evans, Secretary
Department of Cultural Resources

April 1, 2006

Transportation System/Authority Name

EXECUTIVE SUMMARY

Q. *Why do I need this schedule?*

- A. According to G.S. §121-5 and G.S. §132-3, you may only destroy public records with the consent of the Department of Cultural Resources. This schedule is the primary way DCR gives its consent. Without approving this schedule, your agency is obligated to obtain the Department's permission to destroy *any* record, no matter how insignificant.

Q. *When can I destroy records?*

- A. Each records series listed on this schedule has specific disposition instructions which will indicate how long that series must be kept in your offices. In some cases, the disposition instructions are "Retain in office permanently," which means that those records must be kept in your offices forever.

Q. *What film services do you provide?*

- A. The Department of Cultural Resources provides microfilming of the minutes of major decision-making boards and commissions in a county. Once those records are filmed, we will store the silver negative (the original) in our security vault.

At the time this schedule is published, there is no fee for the filming or for storage. There will be a fee if you request duplicate reels of film, or if we destroy your adoption records after filming. Contact the analyst assigned to your county for the most current information.

Q. *What should I do in case of fire or flood?*

- A. Secure the area, and keep everyone out until fire or other safety professionals allow entry. Then, call our Raleigh office at (919) 814-6903 for the Head of the Local Records Program or (919) 814-6876 for the State Preservation Officer. If you're in the western part of the state, call our Asheville Office at (828) 274-6789. Nights and weekends, call your local emergency management office.

DO NOT ATTEMPT TO MOVE OR CLEAN ANY RECORDS.

Damaged records are extremely fragile and require careful handling. Our staff is trained in preliminary recovery techniques, and professional vendors can handle larger disasters.

Q. *Who can I call with questions?*

- A. If you are located west of about Statesville, call our Western Office in Asheville at (828) 274-6789. East of Statesville, all the way to the coast, call our Raleigh office at (919) 814-6900.

MANAGING PUBLIC RECORDS IN NORTH CAROLINA

Q. What is this “records retention and disposition schedule”?

- A. This document is a tool for the employees of local governments across the state to use when managing the records in their offices. It lists records commonly found in transportation authorities, and gives an assessment of their value by indicating when (and if) those records should be destroyed. This schedule is also an agreement between your agency and the Department of Cultural Resources.

This schedule serves as the inventory and schedule that the Department of Cultural Resources is directed by G.S. §121-5 (c) and G.S. §132-8 to provide. It supersedes all previous editions, including all amendments.

Q. Why do I need this schedule?

- A. According to G.S. §121-5 and G.S. §132-3, you may only destroy public records with the consent of the Department of Cultural Resources. This schedule is the primary way DCR gives its consent. Without approving this schedule, your agency is obligated to obtain permission to destroy *any* record, no matter how insignificant.

Q. How do I get it approved?

- A. The governing Board of your agency must approve this schedule for use by your agency. That approval should be made in a regular meeting and recorded as an action in the minutes. It may be done as part of the consent agenda, by resolution, or other action.

Q. Do I have to have all of the records listed on this schedule?

- A. No. This is not a list of records you must have in your office.

Q. I can’t find some of my records on this schedule.

- A. Call the Records Management Analyst assigned to your county. We will work with you to amend this records schedule so that you may destroy records appropriately.

Q. What are public records?

- A. The *General Statutes of North Carolina*, Chapter §132, provides this definition of public records:

"Public record" or "public records" shall mean all documents, papers, letters, maps, books, photographs, films, sound recordings, magnetic or other tapes, electronic data- processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions. Agency of North Carolina government or its subdivisions shall mean and include every public office, public officer or official (State or local, elected or appointed), institution, board, commission, bureau, council, department, authority or other unit of government of the State or of any county, unit, special district or other political subdivision of government.

Q. Can anyone see my records?

- A. Yes, except as restricted by specific provisions in state or federal law. G.S. §132-6 instructs:
- “Every custodian of public records shall permit any record in the custodian's custody to be inspected and examined at reasonable times and under reasonable supervision by any person, and shall, as promptly as possible, furnish copies thereof upon payment of any fees as may be prescribed by law. ... No person requesting to inspect and examine public records, or to obtain copies thereof, shall be required to disclose the purpose or motive for the request.”

Q. What about my confidential records?

- A. Not all government records are open to public inspection. Exceptions to the access requirements in G.S. §132-6 and the definition of public records in G.S. §132-1 are found throughout the General Statutes. You must be able to cite a specific provision in the General Statutes or federal law when you restrict or deny access to a particular record.

Q. *Do I have to make copies of drafts available to the public that haven't been approved?*

- A. Yes, even if a report, permit, or other record has not been finalized. Any record that is not confidential by law must be copied when a request is received, whether it is "finished" or not.

Q. *What do I do with permanent records?*

- A. Permanent records should be maintained in the office that created the records forever. They must also have a preservation duplicate, which is either a paper or microfilm copy. The State Archives will store the silver halide (original) copy of your microfilm, as long as it has been properly processed.

Q. *What is historical value?*

- A. Historical records document significant events, actions, decisions, conditions, relationships, and similar developments. These records have administrative, legal, fiscal, or evidential importance for the government or its citizens. Call the analyst assigned to your county for further assistance.

Q. *I don't have any records.*

- A. Nearly every position in government generates, receives, or uses records. Computer files of any kind, including drafts and email, are public records. Even if your records aren't the official or final version, your records are public records. Not all records have high historical, legal, or fiscal value, but they all must be destroyed in accordance with the provisions of the appropriate records schedule.

Q. *Can I store our unused records in the basement (attic, outdoor shed)?*

- A. Public records are public property. While we encourage offices to find places to store records that do not take up too much valuable office space, the selected space should be dry, secured, and free from pests and mold. Your office must ensure that records stored away from your main office area are well protected from natural and man-made problems, while remaining readily available to your staff and the public.

Q. *Our old records are stored in the attic, basement or off-site building, etc. Do we have to let anyone who asks see them?*

- A. Yes, as long as the records are not confidential by law. You should also be aware that confidentiality could expire.

Q. *Aren't all of our old records at the State Archives?*

- A. Probably not. The State Archives collects only very specific types of records from local government offices. You are certainly welcome to contact the analyst assigned to your county for more information about appraisal and accessioning.

Q. *I have found some really old records. What should I do with them?*

- A. Call the analyst assigned to your county. We will help you examine the records and assess their historical value.

Q. *Can I give my old records to the historical society or public library?*

- A. Before you offer any record to a historical society, public library, or any other entity, you must contact the Records Management Analyst assigned to your county. Permanent records must be kept either in your offices or at the State Archives.

Q. *Who can I call with questions?*

- A. If you are located west of about Statesville, call our Western Office in Asheville at (828) 274-6789. East of Statesville, all the way to the coast, call our Raleigh office at (919) 814-6900.

AUDITS, LITIGATION AND OTHER OFFICIAL ACTION

No record involved in a pending audit, legal or other official action may be destroyed before that audit or action is resolved.

We have used an asterisk (*) in the disposition instructions to mark records series that are commonly audited, litigated or maybe subject to other official actions, however, any record has this potential. Records custodians are responsible for being aware of potential actions, and for preventing the destruction of any record that is, or may be reasonably expected to become, involved in an audit, legal or other official action.

Records used during routine audits may be destroyed when the governing body accepts the audit, if the records have completed the retention period listed in this schedule. If time remains in the retention period, the records must be maintained for the remainder of the period. The auditor's working papers must be kept according to the schedule. (See **AUDITS: PERFORMANCE** Item 6, page 2 and **AUDITS: FINANCIAL** Item 6, page 13.) Should a dispute arise over an audit, the records that were audited should be retained until that dispute is resolved.

The attorney representing the county should inform records custodians when legal matters are concluded and records will no longer be needed. Following the conclusion of any legal action, the records may be destroyed if they have met the retention period in the schedule. Otherwise, they should be kept for the remaining time period.

DESTRUCTION OF PUBLIC RECORDS

Q. When can I destroy records?

- A. Each records series listed on this schedule has specific disposition instructions that indicate how long that series must be kept in your offices. In some cases, the disposition instructions are “Retain in office permanently,” which means that those records must be kept in your offices forever. (See also the question below, “**How should I deal with my permanent records?**”)

Q. How do I destroy records?

- A. After your agency has approved this records retention and disposition schedule, records should be destroyed in one of the following ways:
- a) burned, unless prohibited by local ordinance;
 - b) shredded, or torn up so as to destroy the record content of the documents or material concerned;
 - c) placed in acid vats so as to reduce the paper to pulp and to terminate the existence of the documents or materials concerned;
 - d) buried under such conditions that the record nature of the documents or materials will be terminated;
 - e) sold as waste paper, provided that the purchaser agrees in writing that the documents or materials concerned will not be resold as documents or records.

— N.C. Administrative Code, Title 7, Chapter 4, Subchapter M, Section .0510

Confidential records should be destroyed in a secure manner so that the information contained in them cannot be used.

Q. How can I destroy records if they are not listed on this schedule?

- A. Contact the Records Management Analyst assigned to your county. Your analyst will discuss the nature of the records with you to determine if the records have historical value. If the records do have historical value, we will discuss the possibility of transferring the records to the State Archives to be preserved permanently.

If the records do not have historical value, we will ask you to complete a **Request and Approval of Unscheduled Records Disposal** (located at the end of this schedule) if the records are not currently created. If the records are an active records series, your analyst will help you develop an amendment to this schedule so that you can continue to destroy the records appropriately.

Q. I have some old records that aren't on this schedule, but that we don't use any more. How can I get them destroyed?

- A. At the end of this schedule is a form called the **Request and Approval of Unscheduled Records Disposal**. Complete that form and submit it to us. We will get in touch with you, and make a determination about that destruction.

Q. Do I have to tell anyone about the destruction?

- A. We recommend that you report on your records retention activities to your governing board on an annual basis. This report does not need to be detailed, but it is important that significant destructions be entered into the minutes of the Board.

Q. Computer storage is cheap. I'll just keep my computer records.

- A. The best practice is to destroy all records that have met their retention requirements at the same time, regardless of format.

Q. Can I give my old records to the historical society or public library?

- A. Before you offer any record to a historical society, public library, or any other entity, you must contact the Records Management Analyst assigned to your county. Permanent records must be kept either in your offices or at the State Archives.

ELECTRONIC RECORDS AND DIGITAL IMAGING

Q. When can I delete my email?

- A. Electronic mail is just as much a record as any traditional paper record, and must be treated in the same ways. It is the content of each message that is important. If a particular message would have been filed as a paper memo, it should still be filed (either in your email program or in your regular directory structure), and it should be retained the same length of time as its paper counterparts. It is inappropriate to destroy email simply because storage limits have been reached.

Three of our publications will be particularly helpful (available online at <http://www.ah.dcr.state.nc.us/records/>):

- *E-Mail as a Public Record in North Carolina: Guidelines for its Retention and Disposition*
 - *E-Mail User Guidelines Checklist*
 - *North Carolina Public Records with Short-Term Value: Guidelines for their Retention and Disposition*
-

Q. We have an imaging system. Do we have to keep the paper?

- A. You may scan any record, including permanent records. Your office should follow the instructions in the *North Carolina Guidelines for Managing Public Records Produced by Information Technology Systems* to conduct the Self Warranty process, develop an Electronic Records Policy, and complete a copy of the “Request to Destroy Records Duplicated by Electronic Means,” (located at the end of this schedule). Then submit all three to us.

Permanent records must have a preservation copy as defined by G.S. §132-8.2:

Preservation duplicates shall be durable, accurate, complete and clear, and such duplicates made by a photographic, photo static, microfilm, micro card, miniature photographic, or other process which accurately reproduces and forms a durable medium for so reproducing the original shall have the same force and effect for all purposes as the original record whether the original record is in existence or not. ... Such preservation duplicates shall be preserved in the place and manner of safekeeping prescribed by the Department of Cultural Resources.

The preservation duplicate of permanent records must be either on paper or microfilm.

Non-permanent records may be retained in any format. You will have to take precautions with records that you must keep more than about 10 years. Computer systems do not have long life cycles. Each time you change computer systems, you will have to convert all records to the new system so that you can assure their preservation and provide access. Your office will still be required to conduct the Self-Warranty process, establish an Electronic Records Policy, and submit the “Request to Destroy Records Duplicated by Electronic Means” form for our approval.

Q. Do I have to print my email to file it?

- A. As long as the email is not a permanent record, as defined by the schedule, you may elect to keep it in electronic format.
-

Q. Computer storage is cheap. I'll just keep my computer records.

- A. The best practice is to destroy all records that have met their retention requirements at the same time, regardless of format.
-

Q. I use my personal email account for work. No one can see my personal email.

- A. The best practice is to avoid using personal resources, including private email accounts, for public business. G.S. §132-1 states that records “made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions” are public records (emphasis added). The fact that public records reside in a personal email account is irrelevant.

MICROFILM

Q. *Why do you still use microfilm?*

- A. Microfilm is a legally acceptable replacement for original records, as outlined in G.S. §8-45 and §153A-436. Our office provides a publication, *Micrographics: Technical and Legal Procedures*, on our website. It explains the four groups of national standards for the production of archival quality microfilm:
- manufacture of raw film;
 - filming methods;
 - processing (developing) film;
 - storage methods.

That publication also provides sample forms, targets, and procedures that you or your vendor can use in producing film of your records.

Microfilm can be read with nothing more sophisticated than a magnifying glass. There is no software to keep current. Usually, deterioration in the film itself can be detected by visual inspection.

Q. *What film services do you provide?*

- A. The Department of Cultural Resources provides microfilming of minutes of major decision-making boards and commissions in a county. Once those records are filmed, we will store the silver original in our security vault.

At the time this schedule is published, there is no fee for the filming or for storage. There will be a fee if you request duplicate reels of film, or if we destroy your adoption records after filming. Contact the analyst assigned to your county for the most current information.

Q. *How do I get my minutes filmed?*

- A. We have two processes to film minutes. First, you can send photocopies of your approved minutes to us in the mail. Simply include a copy of the *Certification of the Preparation of Minutes for Microfilming* form (available online at <http://www.ah.dcr.state.nc.us/records/micro.htm#minutes>) with each shipment. For more detailed instructions, contact the analyst assigned to your county.

Alternatively, you can bring us your original books. We will film them and return them to you. This process is most useful when you have more minutes to film than you are willing to photocopy. It is important to remember that a representative of your office or ours must transport the original books in person so that the custody of the records is maintained. You should not mail or ship your original minutes. Call the analyst assigned to your county to make arrangements for an appointment for your books to be filmed. We will make every effort to expedite the filming so that your books will be returned to you as quickly as possible.

Q. *What if I need my books while they're being filmed?*

- A. Just call the Raleigh Office at (919) 814-6900, and ask for the analyst in charge of minutes.

Q. *Can I email you my minutes?*

- A. Not at this time. We require photocopies of the approved minutes, complete with signatures.

Q. *I have some old minutes that aren't signed. Can they still be filmed?*

- A. If the only copy you have available is unsigned, and you use it as the official copy, we will film it.

Q. *What if my books are destroyed after they have been filmed?*

- A. Call the analyst assigned to your county, who will help you make arrangements to purchase copies of the microfilm from our office. You can then send those reels to a vendor, who can either make new printed books, or scan the film to create a digital copy.

DISASTER ASSISTANCE

Q. What should I do in case of fire or flood?

- A. Secure the area, and keep everyone out until fire or other safety professionals allow entry. Then, call our Raleigh office at (919) 814-6903 for the Head of the Local Records Program or (919) 814-6876 for the State Preservation Officer. If you're in the western part of the state, call our Asheville Office at (828) 274-6789. Nights and weekends, call your local emergency management office.

DO NOT ATTEMPT TO MOVE OR CLEAN ANY RECORDS.

Damaged records are extremely fragile and require careful handling. Our staff is trained in preliminary recovery techniques, and professional vendors can handle your larger disasters.

Q. What help do you give in case of an emergency?

- A. We will do everything we can to make a visit to you at the earliest opportunity to provide hands-on assistance. We can assist you in appraising the records that have been damaged so that precious resources (and especially time) are not spent on records with lesser value. We can provide lists of professional recovery vendors that you can contact to preserve your essential and permanent records.

Q. What can I do to prepare for an emergency?

- A. We provide training to interested government agencies on disaster preparation. We discuss the roles of proper inventories, staff training, and advance contracts with recovery vendors. If you would like to have this workshop presented, just call the analyst assigned to your county.

STAFF TRAINING

Q. What types of workshops or training do you offer?

- A. While we have a group of prepared workshops that we can offer at any time, we are also happy to work with you directly to develop training suited to your specific needs. Our basic workshops are:
- **Managing Public Records: Law and Practice in North Carolina** – our basic introduction to the Public Records law and records management;
 - **Evaluating Filing Systems** – how to evaluate and improve filing systems;
 - **Scanning Public Records: Laying the Groundwork** – considerations and procedures to establish an imaging system;
 - **Disaster Preparedness and Recovery** – how to be prepared for disasters, and what will have to be done after a disaster happens;
 - **Microfilming as a Preservation Tool: Digital Imaging and Microfilm** – why microfilm is still used, and how it can work with digital technologies.

Q. Will you design a workshop especially for our office?

- A. Yes, we will. Just let the analyst assigned to your county know what type of training you need.

Q. Do we have to come to Raleigh for workshops?

- A. No, we will come to your offices to present the workshops you need. We have no minimum audience requirement. We will also do presentations for professional associations, regional consortiums, and the public.

Q. Is there a fee for workshops?

- A. Not at this time.

PUBLIC RECORDS WITH SHORT-TERM VALUE

GUIDELINES FOR THEIR RETENTION AND DISPOSITION

According to North Carolina General Statutes §121 and §132, every document, paper, letter, map, book, photograph, film, sound recording, magnetic or other tape, electronic data processing record, artifact, or other documentary material, regardless of physical form or characteristic, made or received in connection with the transaction of public business by any state, county, municipal agency, or other political subdivision of government is considered a public record and may not be disposed of, erased, or destroyed without specific guidance from the Department of Cultural Resources. The Department of Cultural Resources recognizes that many records exist that may have very short-term value to the creating agency. These guidelines, along with any approved program records retention and disposition schedule, are intended to authorize the expeditious disposal of records possessing only brief administrative, fiscal, legal, research, or reference value, in order to enhance the efficient management of public records. Examples of those records include:

- facsimile cover sheets containing only transmittal (“to” and “from”) information, or information that does not add significance to the transmitted material;
- routing slips or other records that transmit attachments;
- reservations and confirmations;
- personal messages (including electronic mail) not related to official business;
- preliminary or rough drafts containing no significant information that is not also contained in the final drafts of the records;
- documents downloaded from the World Wide Web or by file transfer protocol not used in the transaction of business;
- records that do not contain information necessary to conduct official business, meet statutory obligations, carry out administrative functions, or meet organizational objectives.

The records described above may be destroyed or otherwise disposed of when their reference value ends.

These guidelines are not intended to serve as authorization to destroy or otherwise dispose of unscheduled records. They are intended to complement the use of an approved records retention and disposition schedule for the creating government or agency, not replace or supersede it. Should a creating government or governmental agency lack an approved records retention and disposition schedule, it may not destroy or otherwise dispose of any records in its custody, whether in electronic, paper, or other format (including electronic mail) until it receives approval of its **Request and Approval of Unscheduled Records Disposal** (located at the end of this schedule). Such offices should contact the Government Records Branch of the Division of Historical Resources for assistance in creating a schedule.

While records of short-term value may be discarded as described above, all public employees should be familiar with specific records retention and disposition schedules and applicable guidelines for their office and the public records law (G.S. §132). When in doubt about whether a record has short-term value, or whether it has special significance or importance, retain the record in question.



As of March 1, 2019, all local government agencies in North Carolina will use the General Records Schedule for Local Government Agencies to find the appropriate disposition instructions for records that fall under these standards:

- Administration and Management Records
- Budget, Fiscal, and Payroll Records
- Geographic Information Systems Records
- Information Technology Records
- Legal Records
- Personnel Records
- Public Relations Records
- Risk Management Records
- Workforce Development Records

More information about this transition can be found on our blog at <https://ncrecords.wordpress.com/2019/01/14/new-retention-schedule-model-for-north-carolina-local-governments/>.

This new Local Government General Records Schedule can be found on our website at <https://archives.ncdcr.gov/government/retention-schedules/local-government-schedules> and supersedes the correlating standards that were a part of previously approved local government agency schedules, so we have deleted those standards from the published version of this schedule.

If you have any questions, please contact [a records management analyst](#) in the Government Records Section of the State Archives of North Carolina.

STANDARD-6. PUBLIC TRANSPORTATION SYSTEMS AND AUTHORITIES Records received and created by public transportation systems and authorities necessary to meet all statutory requirements. <i>Comply with requirements of the Federal Transit Administration's Best Practice Procurement Manual, Master Agreement MA(11) Section 8 manual, and 49 CFR 18 regarding retention, access, security, and confidentiality of records where applicable.</i>

STANDARD—6. PUBLIC TRANSPORTATION SYSTEMS AND AUTHORITIES			
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
1.	ACCREDITATION RECORDS Records concerning compliance with those standards outlined by accreditation programs.	Destroy in office 1 year after superseded.*	
2.	AGENCY LOGS (SHEETS) Records concerning individual agency ridership.	Destroy in office after 5 years.*	49 CFR 18.42
3.	APPLICATIONS FOR AWARDS Applications and supporting documentation used to apply for various public and private awards.	Destroy in office when administrative value ends.	
4.	APPLICATIONS FOR DISCOUNT PASSES Applications, certificates of disability, and supporting documentation used to apply for discount passes.	Destroy in office 3 years after service is terminated or denied.	Refer to U.S. Privacy Act 5 U.S.C. 552a for information on confidentiality of patient medical information.
5.	APPLICATIONS FOR TRANSIT SERVICE Customer applications, eligibility assessment records, correspondence, health information, riders' guides, and related records.	Destroy in office 3 years after service is terminated or denied.	
6.	APPLICATIONS FOR ART-IN-TRANSIT Applications and supporting documentation submitted by regional and nationals artists for exhibit on agency property.	Destroy in office when administrative value ends.	

*See AUDITS, LITIGATION AND OTHER OFFICIAL ACTIONS, page v.

STANDARD—6. PUBLIC TRANSPORTATION SYSTEMS AND AUTHORITIES			
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
7.	CALL IN LOGS (SHEETS) Record concerning on-demand service requests.	Destroy in office after 5 years.*	49 CFR 18.42
8.	CUSTOMER (RIDER) ALERTS Records alerting customers of changes in regular service (i.e. detours, festivals, parades, etc.).	Destroy in office when administrative value ends.	
9.	CUSTOMER (RIDER) IDENTIFICATION RECORDS Records concerning customer identification, approvals, denials, and related information.	Destroy in office when administrative value ends.	
10.	DEPARTURE RECORDS Includes logs, sheets, reports and similar records documenting vehicle arrivals and departures.	Destroy in office after 1 year.	
11.	DISADVANTAGED BUSINESS ENTERPRISE (DBE) RECORDS Files contain company's articles of incorporation, financial statements, signed affidavits, letters of reference, declarations, Federal Schedule A or B, and related correspondence.	a) Destroy in office 5 years after company is removed from certified list. b) Destroy in office remaining DBE program records, including Federal Transit Administration reports, 5 years from date record was created.	49 CFR 26
12.	DISPATCH RECORDS Reports, logs, and similar records used to document dispatch activities.	Destroy in office after 5 years.	49 CFR 18.42
13.	LOST AND FOUND RECORDS Logs, sheets, and similar records documenting items recovered from agency facilities and vehicles. May include customer receipts for claimed items.	Destroy in office when administrative value ends.	

*See AUDITS, LITIGATION AND OTHER OFFICIAL ACTIONS, page v.

STANDARD—6. PUBLIC TRANSPORTATION SYSTEMS AND AUTHORITIES			
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
14.	MARKETING AND PROMOTIONAL RECORDS Reference copies relating to agency promotion.	a) Retain records with historical value permanently. b) Destroy in office project records 5 years after project is complete. c) Destroy in office remaining records when reference value ends.	49 CFR 18.42
15.	NATIONAL TRANSIT DATABASE (NTD) REPORT Annual report submitted to the Federal Transit Administration and used as the basis for calculating each system's funding. May include records (data) used to generate reports regardless of format.	Destroy in office after 5 years.*	49 CFR 18.42
16.	OPERATOR BID RECORDS Cards, sheets and similar records documenting operators' route selections and choice for a service period.	Destroy in office when administrative value ends.	
17.	OPERATOR ACCIDENT/INCIDENT REPORTS	See ACCIDENT/INCIDENT REPORTS (CUSTOMER AND EMPLOYEE) item 1, page 57.	
18.	OPERATOR OBSERVATION RECORDS Records concerning monitoring operators' work performance.	See EMPLOYEE PERFORMANCE REVIEW FILE item 27, page 42.	
19.	OPERATOR SHIFT INSPECTION RECORDS Reports and similar records of operator's inspections of vehicle at the beginning and end of shift.	Destroy in office after 5 years.	49 CFR 18.42
20.	OPERATOR SCHEDULING AND ASSIGNMENT RECORDS Logs, sheets, schedules, reports, and similar records used to track work assignments and activities of individual operators to routes and shifts.	Destroy in office when administrative value ends. See also TIME SHEETS, CARDS, AND ATTENDANCE RECORDS item 51, page 49.	

*See *AUDITS, LITIGATION AND OTHER OFFICIAL ACTIONS*, page v.

STANDARD—6. PUBLIC TRANSPORTATION SYSTEMS AND AUTHORITIES			
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
21.	PARATRANSIT MANIFESTS Driver's daily assignments of passenger pick-ups and drop-offs.	Destroy in office after 5 year.	49 CFR 18.42
22.	RADIO DISPATCH RECORDINGS AND LOGS Recordings and logs of dispatch messages to and from transit operators.	Destroy in office after 90 days.*	
23.	RIDERSHIP REPORTS	Destroy in office after 5 years.	49 CFR 18.42
24.	ROUTE HISTORY RECORDS Includes descriptions of routes, bus stops, passenger lists and other related records.	Destroy in office when administrative value ends.	
25.	ROUTE MAINTENANCE RECORDS Logs, sheets, and related records used to record needed road improvements.	Destroy in office when administrative value ends.	
26.	ROUTE REQUESTS Requests from customers for additional or revised routes.	Destroy in office 3 years after resolution.	
27.	SEAT BELT AND RESTRAINT SYSTEM RECORDS Records concerning the use and installation of seat belts and other restraint systems in vehicles.	Destroy in office when administrative value ends.	
28.	SERVICE CHANGE RECORDS Records concerning changes in routes and transportation services offered by the agency.	a) Retain records with historical value permanently. b) Destroy in office 3 years after records were created or project ends, whichever occurs last.	
29.	SERVICE PERFORMANCE RECORDS Records concerning quality control performance checks conducted on agency staff, contractors, and vendors.	a) Retain records with historical value permanently. b) Destroy in office 3 years after records were created or project ends, whichever occurs last.	

*See AUDITS, LITIGATION AND OTHER OFFICIAL ACTIONS, page v.

STANDARD—6. PUBLIC TRANSPORTATION SYSTEMS AND AUTHORITIES			
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
30.	SERVICE PLANNING AND DEVELOPMENT RECORDS	a) Retain records with historical value permanently. b) Destroy in office 3 years after records were created or project ends, whichever occurs last.	
31.	SHELTER RECORDS Includes adopt-a-shelter program records, listings of shelter sites, site permission for right of way, easements and related documentation. See Also GRANTS Item 27, page 5.	Destroy in office when administrative value ends.	
32.	SHUTTLE LOGS (SHEETS) Records concerning regularly schedule individual ridership.	Destroy in office after 5 years.*	49 CFR 18.42
33.	TICKET CONSIGNMENT RECORDS Logs, notebooks, and related records used to track tickets and passes provided customers.	Destroy in office when administrative value ends.	
34.	TERMINAL DISPATCH RECORDS Reports, logs, and similar records used to track daily terminal operations and activities.	Destroy in office after 1 year.	
35.	TRIP REQUESTS Passenger trip requests.	Destroy in office after 5 years.	49 CFR 18.42
36.	TRANSIT (BUS) SCHEDULES Printed route schedules and related information used to generate schedules.	Destroy in office when administrative value ends.	
37.	TRANSPORTATION SYSTEM OPERATIONS REPORTS Reports and supporting records summarizing transit system operations.	Destroy in office after 5 years.	49 CFR 18.42

*See *AUDITS, LITIGATION AND OTHER OFFICIAL ACTIONS*, page v.

STANDARD—6. PUBLIC TRANSPORTATION SYSTEMS AND AUTHORITIES			
ITEM #	RECORD SERIES TITLE	DISPOSITION INSTRUCTIONS	CITATION
38.	TRANSPORTATION SYSTEM SERVICE PERFORMANCE EVALUATIONS	Destroy in office after 1 year.	
39.	TRANSPORTATION SYSTEM STATISTICAL RECORDS Reports and supporting records showing passenger trips, mileage, service hours, on-time performance, missed and/or late trips, road call, rider-ship, and similar statistical information.	a) Retain records with historical value permanently. b) Destroy in office 5 years after records were created or project ends, whichever is longer.	49 CFR 18.42
40.	VANPOOL DRIVER APPLICATIONS Applications and supporting records submitted by persons operating vanpool vehicles.	Destroy in office 3 years after person leaves the program.	
41.	VANPOOL MONTHLY USAGE REPORTS Includes logs, sheets, reports and similar records documenting starting and ending mileage, total miles driven, route locations, passenger rosters, and similar information.	Destroy in office after 5 years.	49 CFR 18.42
42.	VEHICLE BREAKDOWN RECORDS Reports and similar records documenting response time, location, vehicle identification and similar information. See also WORK ORDERS (VEHICLE REPAIR) item 63, page 12.	Destroy in office after 1 year.	
43.	VEHICLE OPERATOR INSTRUCTIONS	Destroy in office when administrative value ends.	
44.	VEHICLE USAGE LOGS (SHEETS) Includes date vehicle was used, pick-up and delivery locations, starting and ending mileage, total miles driven and signature of driver.	Destroy in office after 1 year.*	

*See *AUDITS, LITIGATION AND OTHER OFFICIAL ACTIONS*, page v.

REQUEST FOR CHANGE IN RECORDS SCHEDULE

TO Assistant Records Administrator
Division of Archives and Records
Government Records Section
4615 Mail Service Center
Raleigh, NC 27699-4615

FROM Name _____
County _____
Agency or department _____
Mailing address _____
Phone or email _____

INSTRUCTIONS

Use this form to request a change in the records retention and disposition schedule governing the records of your agency. Submit the signed original, and keep a copy for your file. A proposed amendment will be prepared and submitted to the appropriate state and local officials for their approval and signature. Copies of the signed amendment will be sent to you for insertion in your copy of the schedule.

CHANGE REQUESTED

- ☐ Add a new item
☐ Delete an existing item
☐ Change an retention period
- Standard Number _____ Page _____ Item Number _____
Standard Number _____ Page _____ Item Number _____

TITLE OF RECORDS SERIES IN SCHEDULE OR PROPOSED TITLE

INCLUSIVE DATES OF RECORDS _____ **APPROXIMATE VOLUME OF RECORDS** _____

DESCRIPTION OF RECORDS**PROPOSED RETENTION PERIOD**

Requested by: _____, _____, _____
Signature Title Date

REQUEST FOR DISPOSAL OF UNSCHEDULED RECORDS

TO Assistant Records Administrator
Division of Archives and Records
Government Records Section
4615 Mail Service Center
Raleigh, NC 27699-4615

FROM Name _____
County _____
Agency or department _____
Mailing address _____
Phone or email _____

In accordance with the provisions of G.S. 121 and 132, approval is requested for the destruction of records listed below. These records have no further use or value for official or administrative purposes.

RECORDS TITLE	DESCRIPTION	INCLUSIVE DATES	QUANTITY	MICROFILMED? (YES OR NO)	RETENTION PERIOD

Requested by: _____, _____, _____
Signature Title Date

Approved by: _____, _____, _____
Signature (Requestor's supervisor) Date

Concurred by: _____, _____, _____
(except as indicated) Signature Assistant Records Administrator State Archives of North Carolina Date

Request for Disposal of Original Records Duplicated by Electronic Means

If you have questions, call (919) 814-6900 and ask for the Records Management Analyst assigned to your agency.

This form is used to request approval from the Department of Cultural Resources to dispose of non-permanent paper records which have been scanned, entered into databases, or otherwise duplicated through digital imaging or other conversion to a digital environment. This form does not apply to records which have been microfilmed or photocopied, or to records with a permanent retention.

Agency Contact Name:		Date (MM-DD-YYYY):
Phone (area code):	Email:	
County/Municipality:	Office:	
Mailing address:		

Record Series Title A group of records as listed in records retention schedule	Description of Records Specific records as referred to in-office	Inclusive Dates (1987-1989; 2005-present)	Approx. Volume of Records (e.g. "1 file cabinet," "5 boxes")	Retention Period As listed in records retention schedule

Requested by: _____, _____, _____
Signature Requestor Date

Approved by: _____, _____, _____
Signature Requestor's Supervisor Date

Concurred by: _____, _____, _____
Signature Assistant Records Administrator State Archives of North Carolina Date

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POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

August 21, 2023 Regular Meeting

Agenda Item#: F.

ATTACHMENTS:

Description

Type

Upload Date

Activity Report

Cover Memo

8/7/2023



Activity Report - July 2023

<i>CALLS FOR SERVICE</i>				
Alarms (Residential/Commercial)	17		Involuntary Commitment/Mental Subject	9
Animal Complaint/Livestock	143		Juvenile Complaint	4
Armed Person	1		Larceny Report/Shoplifting	9
Assault/Abuse	5		Missing Person Report	5
Assist FD/EMS/Rescue	11		911 Follow Up/Hang up	45
Assist Law Enforcement Agency	38		Property Damage	7
Assist Motorist/Public	50		Property (Recovered/Found/Abandoned)	1
Breaking & Entering	6		Shots Fired (Report/Complaint)	8
Citizen Contact/Call by Phone	54		Special Activity/Event	7
Civil Related/Custody Dispute	21		Stolen Vehicle	3
Communicating Threats	4		Suicide (Threat/Attempt/Report)	2
Disturbance (Fight/Noise/Dispute)	31		Suspicious Activity (Person/Vehicle)	117
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Drug Related	1		Trespassing	14
Escort (Funeral/Public)	6		Vandalism	1
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<i>ANIMAL CONTROL</i>	
Animals Picked up <i>*see notes below</i>	26
Bite Report	6
<i>* 21 Dogs, 3 Cats, 2 Fox</i>	

<i>LOBBY</i>	
Fingerprinting	44
Telephone Calls	599
In Person	672

<i>ARRESTS</i>	
Misdemeanor	28
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<i>OTHER</i>	
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<i>CIVIL</i>	
Civil Summons & Complaint	15
Domestic Protection Order	4
Order to Appear & Show Cause	0
Order to Appear/Show Cause-Child Support	5
Other	16
<i>TOTAL</i>	40

<i>SECURITY CHECKS</i>	
Residence	60
Business	975
Church	234
School	59
<i>TOTAL</i>	1328

<i>DETENTION CENTER</i>	
Inmates Admitted	80

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

August 21, 2023 Regular Meeting

Agenda Item#: G.

ATTACHMENTS:

Description	Type	Upload Date
Budget Amendment and Project Budget Ordinance	Cover Memo	8/15/2023

FB Approp.

POLK COUNTY FINANCE

BUDGET AMENDMENT: GENERAL FUND BALANCE

DATE: 8/21/2023 BOC Meeting

Dept.: Transfer

BATCH #: _____ LINE _____

Amendment # : 3-F Fund balance

INCREASE EXPENSE

GL ACCOUNT #
10-9800-9841-0 Transfer to \$ 65,000
 Capital Project Fund

65,000

INCREASE FUND BALANCE APPROPRIATED

GL ACCOUNT #
10-3991-0000 Fund Balance Approp \$ (65,000)

(65,000)

EXPLANATION: To appropriate fund balance to increase and complete the Election building
 (Capital Project)

Date approved & entered into the BOC minutes

COUNTY MANAGER

FINANCE OFFICER

COUNTY OF POLK, NORTH CAROLINA

PROJECT BUDGET ORDINANCE Election Bldg. Renovation

<u>BUDGET EXPENDITURES</u>				Original	Amended
				<u>1/17/2023</u>	<u>8/21/2023</u>
Election Bldg. Renovation	41-4170-0580-0	\$	150,000	\$	215,000
Total Expenditures				<u>\$ 150,000</u>	<u>\$ 215,000</u>

<u>REVENUES</u>					
Transfer in - General Fund	41-3981-9800	\$	150,000	\$	215,000
Total Revenues				<u>\$ 150,000</u>	<u>\$ 215,000</u>

To establish a Project Ordinance for the Election building renovation

8/21/23: Additional amount of \$65,000 needed to complete the renovations

Date approved & entered into the BOC minutes

COUNTY MANAGER

FINANCE OFFICER

-Project Ordinance: Election Bldg. Renovation

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

August 21, 2023 Regular Meeting

Agenda Item#: H.

ATTACHMENTS:

Description

Type

Upload Date

PO

Cover Memo

8/10/2023

Suggested Motion:

Motion to approve the Consent Agenda.

SUBMIT ALL INVOICES TO →



**POLK COUNTY
GOVERNMENT**

PURCHASE ORDER

SHIP TO:

Landfill

00000

FINANCE OFFICE
P.O. BOX 308
COLUMBUS, N.C. 28722
PHONE (828) 894-3302
FAX (828) 894-3565

NO. 23116

PURCHASE ORDER NUMBER MUST
APPEAR ON ALL INVOICES, BILLS OF
LADING AND CORRESPONDENCE.

DATE 6/29/23

VENDOR NO.

2745

REQ#

V
E
N
D
O
R

REPUBLIC SERVICES, INC.
PO BOX 932899

CLEVELAND

OH 44193

F.O.B.	VIA
DELIVERY REQUIRED	TERMS

ITEM	QUANTITY	UNIT	DESCRIPTION	UNIT COST	TOTAL COST
1		EA	***** FY 24 ***** TRASH HAULING AND DISPOSAL UNION COUNTY LANDFILL \$100,000.00/MONTH X 12 MONTHS 51-4720-4405-0	1.00	1200000.00

THIS INSTRUMENT HAS BEEN PREAUDITED IN THE
MANNER REQUIRED BY THE LOCAL GOVERNMENT
BUDGET AND FISCAL CONTROL ACT.

Sandra Hughes

FINANCE OFFICE

D. M. R. K.

COUNTY MANAGER ON \$1000 OR MORE

1200000.00

NO CHANGES MAY BE MADE WITHOUT CONSENT OF PURCHASING DEPARTMENT.
POLK COUNTY IS NOT EXEMPT FROM SALES TAXES

PURCHASE ORDER REQUEST

DEPARTMENT	POLK COUNTY SOLID WASTE	DATE	MAY 24, 2023
VENDOR	REPUBLIC SERVICES INC		
ADDRESS	PO BOX 932899		
ADDRESS	CLEVELAND, OH 44193		
ADDRESS			
TERMS			
ACCOUNT NO.	1. 51-4720-4405-0	4.	
ACCOUNT NO.	2.	5.	
ACCOUNT NO.	3.	6.	
QUANTITY	DESCRIPTION	UNIT	TOTAL
	OPEN PURCHASE ORDER		
	-OPEN PO FOR TRASH HAULING & DISPOSAL UNION COUNTY LANDFILL-		1200000.00
Signature of Authorized Personnel requesting P.O.		TOTAL	1200000.00
		<i>Travis Ballard</i>	
FOR OFFICE USE ONLY			
PURCHASE ORDER NO.	23116		
AMOUNT APPROVED	\$1,200,000.00		
PURCHASING OFFICER	<i>S. Ballard</i>		
OTHER QUOTES			

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

August 21, 2023 Regular Meeting

Agenda Item#: 8.

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

August 21, 2023 Regular Meeting

Agenda Item#: 9.

ATTACHMENTS:

Description	Type	Upload Date
Draft Ordinance	Cover Memo	8/15/2023

Suggested Motion:

Motion to approve the amended Zoning Ordinance.



Polk County Zoning Ordinance

Amendment [**/**/****7/18/2022](#)

Draft 2.9.2023 Planning Board to BOC

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Article I. Authority and Enactment clause

For the purpose of promoting health, safety, morals and general welfare, and by authority granted by the General Assembly of the State of North Carolina, General Statutes, particularly Chapter 160D, the Polk County Board of Commissioners hereby ordains and enacts into law the following articles and sections. ^{xxv}

Article II. Short Title

This ordinance shall be known and may be cited as "The Zoning Ordinance of Polk County, North Carolina."

Article III. Applicability & Jurisdiction

Section 3.1 Jurisdiction.

The provisions of this ordinance shall be applicable to the unincorporated areas of the county lying outside of any extra-territorial zoning districts as specifically identified and delineated on the zoning map entitled "Official Zoning Map, Polk County, North Carolina." Parts of the county not identified as the zoning area shown on this map are not affected by these regulations.

Section 3.2 Exemption. ^{xix}

This ordinance shall in no way regulate, restrict, prohibit, or otherwise affect bona fide farms within the jurisdiction of this ordinance, now enacted, or hereafter amended or revised. Any use of such property for nonfarm purposes, however, shall be subject to this ordinance.

According to General Statute 160D-903, a building or structure that is used for agritourism is a bona fide farm purpose if the building or structure is located on a property that (i) is owned by a person who holds a qualifying farmer sales tax exemption certificate from the Department of Revenue or (ii) is enrolled in the present use value program. ^{xxv} Failure to maintain the requirements of this section for a period of three years after the date the building or structure was originally classified as a bona fide purpose shall subject the building or structure to applicable zoning and development regulation ordinances in effect on the date the property no longer meets the requirements. For purposes of this section, "agritourism" means any activity carried out on a farm or ranch that allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, or natural activities and attractions. A building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.

Article IV. Application of Regulations.

Section 4.1 Use, occupancy and erection of buildings.

No building, structure, or land shall hereafter be used or occupied, and no building, structure or parts thereof shall be erected, moved or altered except in conformity with the regulations herein specified for the districts in which they are located, except as hereinafter provided. Please refer to Article 9 for administrative regulations and procedures.

Section 4.2 Limitation on number of principal buildings on one lot.

Except as hereinafter provided in Section 6.2.3, 6.2.5, 7.3, and 7.4^{xiv}, only one principal building and its customary accessory buildings may hereafter be erected on any lot. Except as otherwise provided in this Ordinance, a mobile home shall in no event be considered a customary accessory building.

Section 4.3 Sharing of yard requirements.

No part of a yard, court, or other open space provided about any building or structure for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard or other open space required under this ordinance for another building or structure.

Section 4.4 Reduction of lot and yard areas prohibited.

No yard or lot existing at the time of passage of this ordinance shall be reduced in size of area below the minimum requirements set forth herein.

Section 4.5 Road access.

No building shall hereafter be erected on a lot unless there is legal access to such lot adequate to serve the purposes of the building.

Section 4.6 Off-street parking.^{xii}

Off-street automobile parking or automobile storage space shall be provided on every lot at the time any principal building is enlarged or increased in capacity, or at the time one (1) type of use is converted to another, or whenever any of the following uses listed in Section 4.7 are hereafter established. Such space shall be provided with vehicular access to a street or alley and shall not be provided in a setback area required by the provisions of Article 7. Each automobile space shall consist of an improved hard-surface or crushed stone, unless otherwise specified, not less than one hundred sixty two (162) square feet (18' by 9') in an area exclusive of adequate access drives and maneuvering space.

Parking Lot Landscaping Requirements

Trees and shrubs are required in and around parking lots with more than ten spaces to provide attractive views from roads and adjacent properties, provide shade to reduce the heat generated by impervious surfaces, help absorb runoff, reduce glare from parking lots, and to help filter exhaust from vehicles.

~~1.~~ 1.—Where parking areas with more than ten spaces adjoin a public right-of-way, a landscaped planting strip 10 feet wide shall be established and continuously maintained between the public right-of way and parking area(s). [See example 1.](#)

~~1.2.~~ 1.2. Parking areas within 50 feet of the right-of-way shall have a visually modifying screen or barrier that meets one of these standards:

- a. evergreen shrubs shall be planted 30 inches apart as measured from the center, and attain a height of at least 48 inches within four years of installation. [See example 2a;](#)
- b. the screen or barrier is of the same material as the principal building. [See example 2b;](#) or

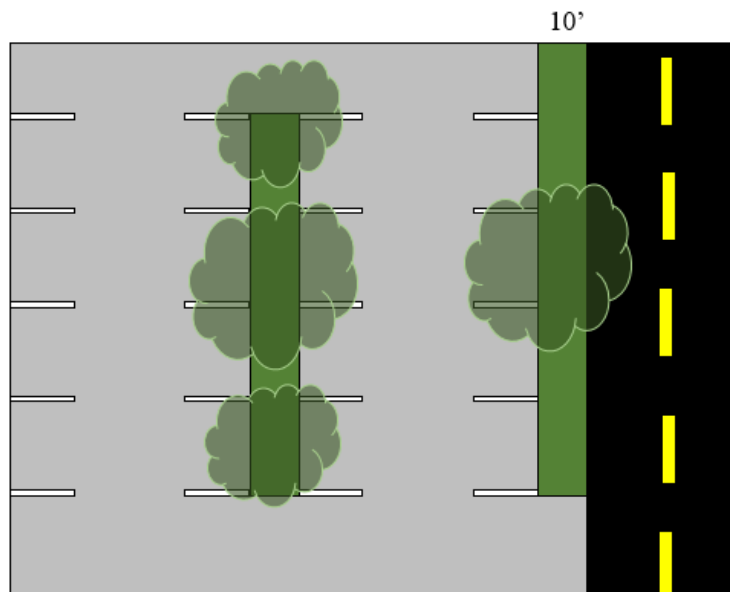
c. there is an earthen berm at least two feet high, with a minimum crown width of two feet and a width to height ratio of no greater than 2:1; shrubs shall be planted on top of the berm that will attain a height of at least 36 inches within four years of installation and shall be planted 30 inches apart. [See example 2c.](#)

No screen is required at- parking lot entrances or exits, and no screen shall obstruct vision within 50 feet of an entrance, exit or intersection. The landscaped planting strip shall be covered with living material, including groundcover and/or shrubs, except for mulched areas directly around the trees, so that no soil is exposed.

[32.](#) Parking areas with more than [five-ten](#) spaces shall have at least one deciduous tree for every five (5) parking spaces, with some appropriate clustering of trees permitted, and 6-foot by 18-foot projecting landscaped islands generally every 10 parking spaces. Whenever possible, interior parking spaces should have a continuous planter strip six (6) feet wide between rows of parking. Where appropriate, provisions shall be made to ensure that adequate pedestrian paths are provided throughout the landscaped areas. In all cases, at least one deciduous tree shall be provided for a parking lot regardless of the number of spaces provided.

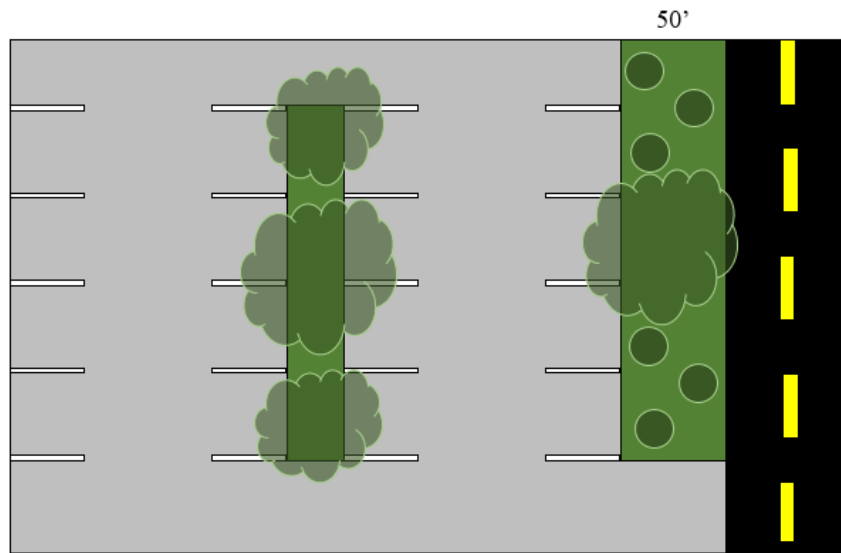
[43.](#) Areas in a parking lot not used for driveways, maneuvering areas, parking spaces, or walks shall be permanently landscaped with suitable materials and permanently maintained.

Law Enforcement Center – natural tree line buffers around the exterior of the parcel to be maintained, unless security issues will not allow. ^{xvi}



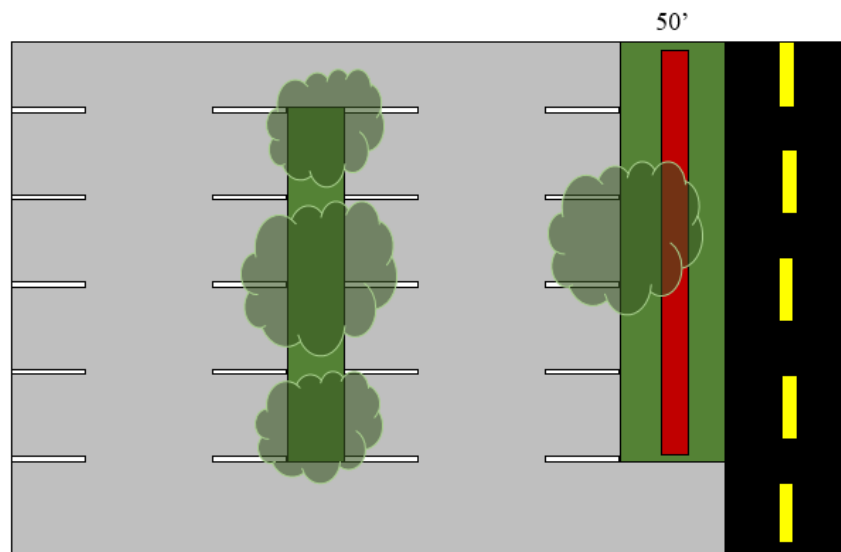
Example 1 – Parking area adjoins public right-of-way:

- 19 parking spaces
- 10' landscaped planting strip, continuously maintained
- 1 deciduous tree for every 5 parking spaces



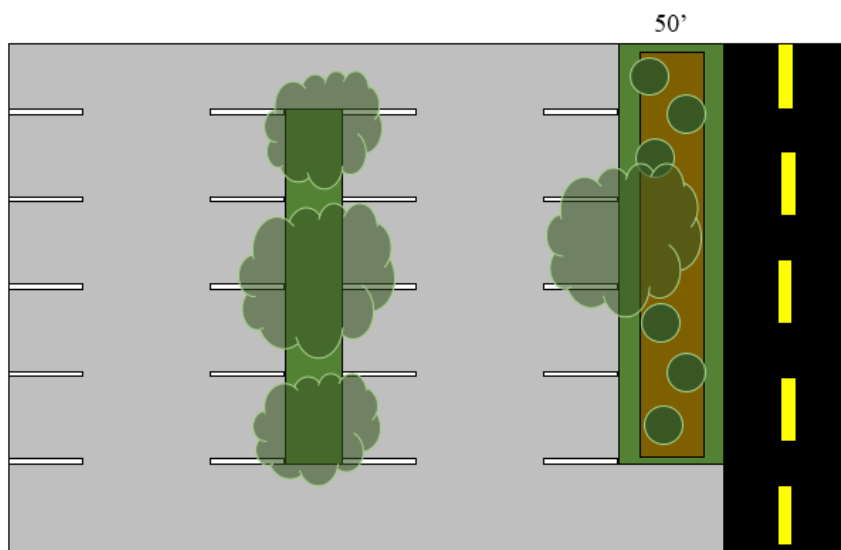
Example 2a – Parking area within 50' of public right-of-way:

- 19 parking spaces
- Evergreen shrubs shall be planted 30 inches apart as measured from the center, and attain a height of at least 48 inches within four years of installation
- One deciduous tree for every 5 parking spaces



Example 2b – Parking area within 50' of public right-of-way:

- 19 parking spaces
- The screen or barrier is of the same material as the principal building (brick building = brick screen, etc.)
- One deciduous tree for every 5 parking spaces



Example 2c – Parking area within 50' of public right-of-way:

- 19 parking spaces
- There is an earthen berm, at least two feet high, with a minimum crown width of two feet and a width to height ratio of no greater than 2:1; shrubs will be planted on top of the berm that will attain a height of at least 36 inches within four years of installation and shall be planted 30 inches apart.
- One deciduous tree for every 5 parking spaces

Section 4.7 Minimum Parking Requirements.

The required number of off-street parking spaces shall be equal in number to at least the minimum requirements for the specific uses set forth below: `

Residential Uses**Required Parking Spaces**

Single-family residence	2 spaces
Multifamily residence	1½ spaces per dwelling unit
Guest house	2 spaces
Mobile home	2 spaces for each mobile home

**Public and Semi-Public
Uses****Required Parking Spaces**

Bowling alleys	1 space for each employee, 2 spaces for each lane
Churches	1 space for each 4 seats in the main sanctuary
Elementary school and junior high school	1 parking space for each classroom administrative office
Equestrian centers & facilities, multi-discipline ^{xii}	1 space per 5 fixed seats in the largest assembly room, provided that every one hundred sixty-two (162) square feet of fenced ground area (i.e. riding rings) shall count as 1 parking space without the necessity of an improved hard-surface or crushed stone.
Events, show & festivals ^{xii}	1 space per 5 fixed seats in the largest assembly room, provided that every one hundred sixty-two (162) square feet of fenced ground area (i.e. riding rings) shall count as 1 parking space without the necessity of an improved hard-surface or crushed stone
Hospitals and nursing homes	1 space for each 2 beds, exclusive of bassinets, and 1 space for bassinets, and 1 space for each physician and nurse, and 1 space for each 2 additional employees
Public or private libraries	1 space for each 150 square feet of gross floor area for public use, plus 1 space for each 2 employees on the shift of greatest employment

Public utility buildings	1 parking space for each 200 feet of gross floor area
Skating rinks (ice and roller skating)	1 space for each 100 square feet of floor (rink) areas used for amusement, plus 1 space for each 4 fixed seats in the principal building
Senior high school	1 parking space for each 20 students for which the building was designed plus 1 parking space for each classroom and administrative office
Sanitariums, rest Rest and convalescent homes	1 space for each 6 beds plus 1 space for each staff or visiting doctor plus 1 space for each 4 employees
Spectator sports facilities, any size	1 space per 5 fixed seats in the largest assembly room, provided that every two (200) hundred square feet of fenced ground area (i.e. riding rings) shall count as 1 parking space without the necessity of an improved hard-surface or crushed stone
Theaters, community recreation centers	1 space per 4 fixed seats in the largest assembly room, or one space for each 40 square feet of floor area available for the accommodation of movable seats in the largest assembly room, or one space for each 150 square feet of gross floor area, whichever is needed by the facility

Business Uses**Required Parking ~~Spaces~~ Lots**

Antique and gift shops	6 spaces per shop
Automobile sales and repair garages	1 space for each 2 employees at maximum employment on a single shift and 2 spaces for each 300 square feet of repair or maintenance space
Automobile washing establishments	1 space for each 2 employees at maximum employment on a single shift; 5 spaces shall also be located at the entrance <u>or</u> and exit of the facility
Courthouse ^{xvi}	1 space per 4 fixed seats in the, assembly room, or one space for each 40 square feet of floor area available for the accommodation of movable seats in the largest assembly room, or one space for each 150 square feet of gross floor area, whichever is needed by the facility. ^{xxv}
Customary home occupation I & II ^{xi}	Parking necessary to conduct business shall be provided. Parking must be off-street and on-site. Parking must be screened so as to obstruct views of the parking area from

	adjacent properties, streets or roadways, and to maintain the character of the neighborhood.
Doctor's or dentist's office	4 parking spaces per doctor in addition to 1 space for each employee
Drive-in restaurants	1 space per employee, plus parking space equivalent to 5 times the size of the main building
Drive in theaters	Reserved parking space off the street shall be provided for patrons awaiting admission in an amount not less than 30 percent of the vehicular capacity
Law Enforcement Center ^{xvi}	1 space per each 400 square feet of gross floor area for office areas plus 1 space for each 4 beds.
Motels, tourist homes, tourist courts	1 space for each sleeping room plus 1 additional space for each 3 employees
Offices, business	1 parking space for each 400 square feet of gross floor area
Public or private clubs, including golf courses (clubhouse)	1 parking space for each 200 square feet of gross floor space
Restaurants	1 space per employee, plus parking space equivalent to 1 space per 3 seats or stools
Roominghouses, boardinghouse, and hotels	1 space for each sleeping room plus 1 additional space for each 3 employees
Retail uses not otherwise indicated in this section	1 space for each 250 square feet indicated in this section of total floor area
Service stations	3 spaces for each grease rack plus 2 spaces for each gas pump
Roadside stands	6 off-street parking spaces
<u>Wholesale and Industrial Uses</u>	<u>Required Parking Spaces</u> <u>Lots</u>
Wholesaling, industrial plants and truck terminals	1 space per employee at peak shift

Vineyards/Winery

1 space per employee, plus 1 space for every 3 seats in any tasting room open to the public

4.7.1 Shared Parking ^{xix}

Where multiple uses exist within a building or a development project, an applicant will:

- a. meet the required minimum parking requirements; or
- b. provide documentation by a registered engineer or qualified professional to evaluate and certify shared parking using ULI (Urban Land Institute) or ICSC (International Council of Shopping Centers) International Guidelines for shared parking.

Section 4.8 Combined parking space.

The required parking space for any number of separate uses may be combined in one (1) lot but the required space for one (1) use may not be assigned to another use, except that one-half of the parking space required for churches, theaters, or assembly halls whose peak attendance will be at night or on Sundays may be assigned to a use which will be closed at night or Sundays.

Section 4.9 Parking spaces provided within four hundred (400) feet of principal use.

If the off-street parking space required cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided within four (400) hundred feet of the main entrance to such principal use, provided such land is in the same ownership or long-term lease as the principal use. Said land shall be used for no other purpose so long as no other adequate provisions of this ordinance have been made for the principal use. In such cases, the applicant for a zoning compliance or zoning permit for the principal use shall submit with his application an instrument duly executed and acknowledged, which subjects said land to parking use in connection with the principal use or for which it is made available. Upon the payment of the necessary fee and the issuance of a zoning compliance or zoning permit, the Zoning Administrator shall cause said instrument to be registered in the office of the Register of Deeds of Polk County.

Section 4.10 Off-street loading and unloading spaces.

Every building or structure used for business, or wholesale or industry shall provide space as indicated below for the loading and unloading of vehicles. Such space shall have access to a public street or alley. For the purposes of this article, an off-street loading space shall consist of an improved hard-surface or crushed stone and have minimum dimensions of nine (9) feet wide, thirty (30) feet long, with fourteen (14) feet overhead clearance.

- a. Retail business: One (1) space for each three thousand (3,000) square feet of floor area or fraction thereof, unless differently required by Section 4.8.
- b. Wholesale or industry: One (1) space for each ten thousand (10,000) square feet of floor area or fraction thereof.

Section 4.11 Temporary use permits for manufactured/mobile homes.

In the event of a medical condition where a family member requires close supervision or constant care, the ~~Board of Adjustment~~ [Zoning Administrator](#) may issue a temporary use permit whereby [the requirements are met according to NCGS 160D-915. a mobile home or a manufactured home may be placed in the rear yard of a residential dwelling as an accessory structure. Such temporary use permit shall be issued for a period of](#)

~~time not to exceed twelve months and may be renewed by the Zoning Administrator so long as the hardship continues to exist.~~

Article V. Establishment of Districts and Boundaries and Map.

Section 5.1 Establishment of districts.

For the purpose of the ordinance, the area designated on the zoning map is hereby divided into the following districts:

Residential (R)

Agricultural-residential (AR)

Residential estate/low density (RE-1)

Residential estate/low density (RE-2)

Residential estate/very low density (RE-5)

Multifamily residential (MR)

Neighborhood Commercial (NC)

Highway commercial (HC)

Industrial (I)

Multiple use (MU)

Family Farm (FF)

Agricultural-residential/very low density (AR-5)

Equestrian (E) ^{viii}

Equestrian Village (EV) ^{xiv}

Government and Public Facilities District (GPF) ^{xvi}

Section 5.2 District boundaries.

The boundaries of the districts as herein established are shown upon the map accompanying this ordinance entitled "Official Zoning Map, Polk County, North Carolina," and made a part thereof. The zoning map and all the notations, references and other information shown thereon is hereby made a part of this ordinance the same as if such information set forth on the map were all fully described and set forth herein. The zoning map properly attested is on file in the office of the Zoning Administrator and is available for inspection by the public.

Section 5.3 Rules governing boundaries.

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

- a. Where district boundaries are indicated as approximately following the centerlines of streets or highways, street lines or railroad rights-of-way lines or such lines extended, such centerlines, street lines, or railroad right-of-way lines shall be construed to be said boundaries.
- b. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.
- c. Where district boundaries are so indicated that they are approximately parallel to the centerlines of streets, highways or railroads, or rights-of-way of same, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map.
- d. In unsubdivided property or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions shown on the map, shall be determined by use of the scale appearing in the map.
- e. Where district boundaries are indicated as approximately following the centerline of stream beds, or river beds, such centerlines shall be considered to be such boundaries. ^{xxv}

Section 5.4 Statement of District Intent

5.4.1 Residential district (R).

The residential district (R) is intended to provide locations for residential purposes, and limited private and public uses which do not detract from the residential character of the neighborhood. This district is further intended to prohibit business and industrial land uses and any other uses that would interfere with the developing or continued use of land for residential purposes.

5.4.2 Agricultural-residential district (AR).

The agricultural-residential district (AR) is intended to provide areas for general agricultural purposes, and low density residential purposes. This district is further intended to protect from scattered and uncoordinated development, and to discourage any use that because of its size or character would create unusual requirements and costs for providing public services such as water supply, refuse, and sewerage disposal before such services are generally needed.

5.4.3 Residential estate/low density district (RE-1).

The residential estate/low density district (RE-1) is intended as a district in which the principal use of land is for low density residential purposes and for other residentially related facilities designed for serving the residents of these districts. These districts consist primarily of single-family detached dwelling units

placed on relatively large lots with considerable open spaces between structures, thus creating a low density residential environment. Nonresidential uses are limited in order to maintain the low density character and to preserve the natural features of those areas. Likewise, dimensional requirements pertaining to lot size, building setbacks, and yard requirements, have been established to promote the general welfare of the community.

5.4.4 Residential estate/low density district (RE-2).

The residential estate/low density district (RE-2) is intended as a district in which the principal use of land is for low density residential purposes and for other residentially related facilities designed for serving the residents of these districts. These districts consist primarily of single-family detached dwelling units placed on relatively large lots with considerable open spaces between structures, thus creating a low density residential environment. Nonresidential uses are limited in order to maintain the low density character and to preserve the natural features of those areas. Likewise, dimensional requirements pertaining to lot size, building setbacks, and yard requirements, have been established to promote the general welfare of the community.

5.4.5 Residential estate/very low density district (RE-5).

The residential estate/very low density district (RE-5) is intended as a district in which the principal uses of land are for (1) nonprofit private equestrian courses, nature centers and recreational facilities , (2) private stables and (3) very low density residential purposes and for other residentially related facilities designed for serving the residents of these districts. These districts consist primarily of single-family detached dwelling units placed on large lots with considerable forestation or open spaces between structures, thus creating a very low density residential environment. Nonresidential uses are limited in order to maintain the very low density character and to preserve the natural features of those areas. Likewise, dimensional requirements pertaining to lot size, building setbacks, and yard requirements have been established to promote the general welfare of the community.

5.4.6 Multifamily residential district (MR).

The multifamily residential district (MR) is intended to provide an area for the development of single and multifamily uses such as apartments and condominiums.

5.4.7 Highway commercial district (HC).

The highway commercial district (HC) is intended to provide for the orderly development and concentration of highway commercial uses at appropriate locations, and to encourage the development of these locations so as to minimize traffic hazards. The principal use of this district is to provide for the provision of products and services to tourists and the motoring public in areas adjacent to interstate and other major highways.

5.4.8 Industrial district (I).

The industrial district (I) is intended to provide for the orderly development of industry which will provide increased employment and which will not be detrimental in terms of creating a damaging environment in the surrounding area.

5.4.9 Neighborhood Commercial (NC).

The neighborhood commercial district (NC) is intended to provide suitable locations for limited, neighborhood-oriented, commercial businesses and service activities in close proximity to residential neighborhoods, schools, and hospitals. This district is designed to allow for a mix of residential, commercial, business and service uses to serve the residents, occupants, patients, students, and visitors to the area, in limited areas, along major traffic arteries and at key intersections, to preserve the traffic carrying capacity of the streets, to provide for off-street parking, and to limit building illumination to minimum needed for safety. The type of uses allowed, and the standards established for development in this district, should be compatible with the residential character of the area, and not to encourage extensive development, but rather to provide concentrations of general commercial and business activities. This district should currently have water and sewerage services or be expected to have such services available in the foreseeable future.

5.4.10 Multiple Use (MU).

The multiple use district (MU) is intended to provide locations for most types of land uses allowed in the other zoning districts. Uses in this district should not endanger the public health and safety, not substantially injure the surrounding property values, and be in harmony with the surrounding area. In light of historic development patterns in this district, and in consideration of the significant impact of large scale residential development within Polk County, special provision is made with respect to major subdivisions.

5.4.11 Family Farm (FF).

The family farm district (FF) is intended to provide locations for most types of land uses allowed in the other zoning districts. Uses in this district should not endanger the public health and safety, not substantially injure the surrounding property values, and be in harmony with the surrounding area.

5.4.12 Agricultural Residential Very Low Density (AR-5)

The agricultural-residential/very low-density district (AR-5) is intended to provide areas for general farming purposes (including agriculture, horticulture and forestland), support of farming activities, and very low-density residential purposes. The district consists primarily of rural residential properties with acreage and individual/family farming operations, for example, vineyards, orchards, soybeans, hay and timber production; beef, goat, pig, dairy and horse farms and stables; and small specialty farms such as produce gardening, flower/nurseries and beekeeping. This district is intended to protect from scattered and uncoordinated development, particularly higher-density, suburban-type subdivisions that are typically incompatible with farming activities (for reasons such as traffic, water demands, and objections to the noises, smells, hours and machinery of farming), and to discourage any use that because of its size or character would create unusual requirements and costs for providing public services such as water supply, refuse and sewerage disposal. The district is not intended to attract or support major agri-businesses such as corporate pig or poultry farming, cattle feed lots or fertilizer manufacturing plants. The district does allow small businesses, non-intrusive to neighboring properties, to be conducted on a resident's property; examples would include artist/craft studio; research/writing/transcription; farrier; carriage supply sales; acupuncture/massage; accounting; woodworking; technology/web design. Uses in this district should not

endanger the public health and safety, not substantially injure the surrounding property values, and be in harmony with the surrounding area.

~~5.4.13 Mobile Home Overlay (MHO)ⁱ~~

~~The mobile home overlay zoning classification (MHO) is intended to provide a means for homeowners to provide housing for family members on the lot on which the homeowners' home is located. A medical hardship, as specified in Section 4.2 of this Ordinance, is not necessary in order for a mobile home to be situated on a lot located within an MHO district. MHO districts are an overlay zone, affecting the underlying zoning district only as stated herein.~~

~~**5.4.13.1 Uses Authorized.** The uses authorized in an MHO district, including permitted uses, permitted uses with conditions, and special uses, shall be the same as for the underlying zoning district(s) with one exception: accessory mobile homes shall be permitted as special uses subject to the standards contained herein.~~

~~**5.4.13.2 Development Standards.** Dimensional and other development standards shall be the same as for the underlying zoning district(s) except as modified herein.~~

~~**5.4.13.3 Special Use Permits.** Special use permits shall be limited to a specific hardship relating to a specific primary resident of the accessory mobile home. If the identity of that primary resident of the accessory mobile home or the nature of his or her hardship changes, a new special use permit shall be necessary to continue use of the accessory mobile home. The Board of Adjustment shall issue a special use permit to allow the placement of an accessory mobile home in an MHO district only upon making the following findings:~~

- ~~a. The lot on which the accessory mobile home is to be placed contains an existing single family home in which the owner(s) of the lot reside (*resident owner*).~~
- ~~b. The accessory mobile home is clearly accessory to the existing single family home on the property; the gross floor area of the accessory mobile home may not exceed 75% of the gross floor area of the existing single family home.~~
- ~~c. The accessory mobile home shall have a primary resident who is either a member of the family of the *resident owner* of the existing single family home or the spouse of a member of such family. The accessory mobile home shall not be used as an income producing property. For purposes of this section, a person shall be considered a member of the family of the *resident owner* if he or she is within the third degree of kinship, by blood or adoption, computed in accordance N.C.G.S. § 104A-1 (First: parents, children; Second: grandparents, grandchildren, siblings; and Third: great grandparents, great grandchildren, aunts, uncles, nieces, nephews).~~
- ~~d. A substantial hardship exists which will be alleviated by the placement of the accessory mobile home. This hardship may be financial.~~
- ~~e. The accessory mobile home shall be situated on the property in such a manner as to minimize its impacts on adjoining property owners.~~

~~**5.4.13.4 Revocation of a Special Use Permit.** The Board of Adjustment may revoke a special use permit issued for placement of an accessory mobile home in an MHO district on the following grounds:~~

- ~~a. The primary resident identified in the application for a special use permit no longer resides in the home.~~
- ~~b. The hardship identified in the application for a special use permit no longer exists.~~
- ~~c. Any other violation of the terms of the special use permit or the special use standards contained herein.~~

~~**5.4.13.5 Additional Responsibilities of the Resident Owner.** The resident owner shall have the following additional responsibilities with regard to an accessory mobile home:~~

- ~~a. Record in the Office of the Register of Deeds the special use permit before a building permit may be issued.~~
- ~~b. File an annual report with the Planning Department on forms provided by the County indicating the status of the accessory mobile home. This report shall be in the form of an affidavit swearing to the truth of the matters contained therein.~~
- ~~c. Remove the accessory mobile home within 90 days of the following:~~
 - ~~1) The accessory mobile home no longer serves as the residence for a family member of the resident owner.~~
 - ~~2) Revocation of the special use permit authorizing the accessory mobile home.~~

5.4.14 Equestrian (E).

The Equestrian district is intended to provide locations for most types of land uses allowed in the other zoning districts, including, without limitation, residential uses (including but not limited to clustered developments and group developments), show and event uses, commercial uses, and other uses consistent with and beneficial to the orderly development of mixed-use equestrian communities and/or resorts. Uses in this district are intended (i) to create, preserve, maintain, and enhance equestrian community and/or resort developments in Polk County; (ii) to preserve, maintain, and enhance the lifestyle and activities associated with equestrian community and/or resort developments; and (iii) to identify and encourage the types of land uses that are supportive of mixed-use developments with such equestrian character.

5.4.15 Equestrian Village (EV) ^{xiv}.

The Equestrian Village district is intended to provide locations for most types of land uses allowed in the Equestrian District, including, but not limited to, multi-family residential uses, show and events uses, commercial uses and other uses consistent with and beneficial to the orderly development of mixed-use equestrian communities and/or resorts and particularly those consistent with mixed-use village and resort developments. Uses in this district are intended (i) to create, preserve, maintain and enhance equestrian community and/or resort developments in Polk County; (ii) to preserve, maintain and enhance the lifestyle and activities associated with an equestrian community and/or resort developments; and (iii) to identify and encourage the types of land uses that are supportive of mixed-use developments with such equestrian character.

5.4.16 Government and Public Facilities District (GPF) ^{xvi}

Government and Public Facilities District is intended to accommodate public, quasi-public, and institutional facilities. It is intended for offices, storage, and other facilities for the operation of local, state, or federal government.

Article VI. Permitted Use Table.

► Land uses not specifically addressed in this ordinance shall apply the standards for a land use that is listed in this ordinance most closely related to proposed use and impacts.

P = Permitted

P* = Permitted with conditions

S = Allowed as a Special Use

Blank Space = Not Permitted

	EV	E	GPF	RE1	RE2	RE5	AR	R	MR	NC	HC	I	MU	FF	AR5
Accessory buildings	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Accessory dwelling unit ^{xiii}													P		
Agricultural building (10 acres or more) ^{xxi}	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Agricultural building (less than 10 acres) ^{xxi}	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Animal Processing Facilities												<u>P</u>	<u>S</u>	<u>S</u>	
Arcades, Video Games	<u>P</u>	<u>P</u>					<u>S</u>		<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>	
Automobile, truck, & farm Implement sales & service ^{xii}		P					S				P	P	P	P	S
Bed & Breakfast	P	P					P		P	P	P		P	P	P
Carwash	<u>P</u>	<u>P</u>									<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Cemetery <i>*see 6.2.7 for restrictions</i>				P*	P*	P*	P*	P*	P*	P	P		P	P	P*
Church, synagoge, temple, or other religious Building <i>*see 6.2.1 for restrictions</i>	P	P		P*	P*	P*	P*	P*	P*	P	P		P	P	P*
Clubs, public or private <i>*see 6.2.1 for restrictions</i>	P	P		P*	P*	P*	P	P			P		P	P	P*
Community recreation centers	P	P	P	P	P	P	P	P	P	P			P	P	P
Courthouse ^{xvi}			P												
Convenience stores, including those that sell petroleum and petroleum products	P	P							S	S	P		P	P	
Data processing facilities												<u>S</u>			
Customary home occupations, Class I ^{ix}	P	P		P	P	P	P	P	P	P	P	P	P	P	P
Customary home occupation, Class II ^{ix}		P											P		P
Day care facility ⁱⁱ <i>*see 6.2.8 for restrictions</i>				P*	P*	P*	P*	P*	P*	P	P*	P*	P*	P*	P*

Duplex ^{xii}		P					P	P	P	P	P	P	P	P	P
Equestrian centers & facilities, multi-discipline *see 6.2.11 for restrictions	P	P*													
Events, shows & festivals	P	P													
Event Venues	<u>P</u>	<u>P</u>					<u>S</u>		<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>P</u>	
Funeral Home							<u>P</u>			<u>P</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>S</u>	<u>S</u>
Golf courses & country clubs		P		P	P	P	P	P	P	P	P	P	P	P	
Guest House *see 6.2.3 for restrictions		P		P*	P*	P*	P*	P*	P*	P	P	P	P	P	P*

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S = Allowed as a Special Use

Blank Space = Not Permitted

	EV	E	GPF	RE1	RE2	RE5	AR	R	MR	NC	HC	I	MU	FF	AR5
Heliport, public & private*see 6.2.12 for restrictions		P*													
Hospitals & clinics							P			P	P		P	P	S
Kennels ^{iv} *see 6.2.9 for restrictions					P*	P*	S			S	S		S	P	S
Laundry & dry cleaning services ^{xii}	P	P								S	P	P	P	P	
Law Enforcement Center ^{xvi}			P												
Libraries, public or private	P	P	P				P		P	P			P	P	P
Manufacturing, Light		P										P	P	P	S
Manufacturing												P	S	P	
Mobile or Manufactured Home, Individual*see Polk County Mobile Home Ordinance							P						P	P	P
Mobile or Manufactured Home Parks*see Polk County Mobile Home Park Ordinance							P		P				P	P	
Modular Home		P		P	P	P	P	P	P	P	P	P	P	P	P
Motels & Hotels ^h Hotels, Boarding Houses , & Dormitories	P	P									P		S	P	
Museum	P	P													
Multifamily residences	P	P								P	P	P		P	P

Outdoor Recreation, Motorized													<u>S</u>	<u>S</u>	
Nature Oriented Non Motorized Outdoor Recreation, Nature Oriented, Non Motorized, see 6.2.4^{vi}	P	P*	<u>P</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	S		S	S	P	P	P	P	
Nursery and/or landscape business, & greenhouse Nursery, Greenhouse, and/or Landscape Business							P			P	P		P	P	P
Offices, business, medical, professional & public, including banks	P	P	P							P	P	P	P	P	
Offices pertaining to permitted use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Printing, publishing, & engraving establishments	P	P								S	P	P	P	P	

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Blank Space = Not Permitted

	EV	E	GPF	RE1	RE2	RE5	AR	R	MR	NC	HC	I	MU	FF	AR5
Public safety facilities (fire, police, etc...)	P	P	P				P			P	P	P	P	P	S
Quarantine Facilities ^{xxii}	P	P													
Radio & TV stations & studios ^{xii}	S	S									S	S	S	S	
Recreational facilities, for-profit (bowling alleys, skating rinks, etc...) Recreational Facilities, Centers	<u>P</u>	<u>P</u>		<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>S</u>	<u>P</u>	<u>P</u>	<u>S</u>	<u>P</u>	<u>S</u>
Recreational facilities, non-profit (parks, playgrounds, nature centers, equestrian courses, etc...)*see 6.2.4 for restrictions	<u>P</u>	<u>P*</u>	<u>P</u>	<u>P*</u>	<u>P*</u>	<u>P*</u>	<u>S</u>						<u>S</u>	<u>P*</u>	<u>S</u>
Recreational Vehicle (RV) ^{xv, xxii} *see 6.2.16 for restrictions	P*	P*		P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
Recreational Vehicle (RV) & Park and/or Camp Areas ^{xv, xvii} *see 6.2.14 for restrictions	P*	P*					S				P		S	P	
Restaurants, excluding fast food & drive thru services	P	P								P	P		P	P	S
Restaurants, including fast food & drive thru services, food trucks	P	P									P	P	P	P	
Rest & convalescent homes, sanitariums	P	P					P	P	P	P	P	P	P	P	S

Residential Vacation Rentals ^{ix, xix, xxv}	P	P								P			P		P
Retail trade, commercial services, sales and rental of merchandise & equipment	P	P								S	P	P	P	P	S
Retail business customarily serving residential neighborhoods & conducted within an enclosed building									S	P	P		P	P	
Roadside stands selling home grown products							P				P		P	P	P
Sawmill							P						P	P	S
Schools, public or private ^{xxii}	P	P	P	P	P	P	P	P	P	P			P	P	P
Schools; vocational schools, business schools, & special school	P	P	P	P						P		P	P	P	

P = Permitted

P* = Permitted with conditions

S = Allowed as a Special Use

Blank Space = Not Permitted

	EV	E	GPF	RE1	RE2	RE5	AR	R	MR	NC	HC	I	MU	FF	AR5
Service stations ^{xii}	P	P									P	P	P	P	
Shooting Range – Indoor							S		S	S	P	P	S	S	
Shooting Range – Outdoor												S	S	S	
Single family residences		P		P	P	P	P	P	P	P	P	P	P	P	P
Solar Energy Generating Facility, Major ^{vii}												S	S		
Solar Energy Generating Facility, Minor ^{vii} *see 6.2.10												P*	P*		
Spectator sport facilities 500 or more spectators ^{xxii} *see 6.2.13 for restrictions	P*	P*										S	S	S	
Spectator sport facilities less than 500 spectators ^{xxii} *see 6.2.13 for restrictions	P*	P*					S	S	S	S	S	S	S	P	
Stables, private *see 6.2.5 for restrictions	P	P		P*	P*	P*	P						P	P	P
Storage & warehousing ^{xii}	S	S										P	S	P	
Theaters	P	P								S	P		P	P	

Towers *see Polk County Wireless Telecommunication Ordinance ^{xix, xxiv}	P*	P*	P	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
Towers (Non-Administrative Approval, Section 304 *Polk County Wireless Telecommunication Ordinance) ^{xix, xxiv}	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*	S*
Truck terminals												P	P	P	P	
Utility buildings and facilities, public*see 6.2.6 for Restrictions			P	P*	P*	P*	P*	P*	P*	P*	P	P	P	P	P	P*
Veterans' Affairs Office ⁱⁱⁱ			P	P							P	P	P	P		
Veterinarian clinics, animal shelters ^{xii, xxii} *see 6.2.9 for Restrictions	P	P			P*	P*	S				S	S		S	P	S
Vineyard/Winery	P	P														
Waste Handling, Treatment, Processing, Management or Disposal Facility															S	
Wholesale sales, retail sales & supply houses												P	P	P	P	

Section 6.1 Reserved for Future Purposes

Section 6.2 Other Restrictions

6.2.1 Churches and clubs (public or private) provided they are located not closer than fifty (50) feet from any property line ~~with required off-street parking spaces and including parking lot,~~ separated from side and rear property lines by a planted buffer strip at least ten (10) feet in width. The buffer strip shall be composed of two staggered rows of evergreen shrubs or sheared evergreen trees so that an effective screen year-round is present.

~~6.2.2 Clubs, public or private, provided they are located not closer than fifty (50) feet from any property line with required off-street parking spaces and separated from side and rear property lines by a planted buffer strip at least ten (10) feet in width. The buffer strip shall be composed of two staggered rows of evergreen shrubs or sheared evergreen trees so that an effective screen year-round is present.~~

~~6.2.3 Guest house, provided that it shall be placed according to applicable setbacks from any property line and provided that not more than one (1) such facility shall be permitted on any lot. A guest house meeting these requirements may be situated on the same lot as a single family residence.~~

6.2.4 ~~Nonprofit private equestrian courses, nature centers and recreational facilities, provided that~~ The parcel of land proposed for development shall contain no less than two hundred (200) acres; all structures shall be so placed as not to be closer than three hundred (300) feet from any property line; activities proposed shall in no way have deleterious affects (such as, but not necessarily limited to noise, excess traffic and other effects that go beyond the property line) on adjoining RE-~~2-1~~ and RE-5 developments; the parcel shall be so located as to provide for ingress and egress from the site directly onto a major thoroughfare having an existing or planned right-of-way at least sixty (60) feet in width and shall in no way traverse single-family subdivisions.

~~6.2.5 Private stable for not more than one (1) horse on a lot or parcel at least two (2) acres in area; and provided further, that for each additional horse stabled thereon, an additional contiguous two (2) acres of land shall be provided. In no instance shall a horse be stabled nearer than seventy five (75) feet to any property line abutting an existing residence.***~~

~~The RE-5 districts also allow for horse farms, including the boarding of horses and the extension of on-site riding lessons, provided any stable, barn, or structure required be setback at least three hundred (300) feet from all abutting residentially zoned land.~~

6.2.6 Provided all structures shall be set back at least thirty (30) feet from the property line and all exposed apparatus shall be safely enclosed and landscaped.

6.2.7 Only when associated with a church.

6.2.8 Provided all state and/or county regulations are met.

6.2.9 Animal shelters and kennels owned by non-profit corporations that serve the needs of the county and its citizens.

6.2.10 Solar Energy Generating Facilities.^{vii} Solar energy generating facilities shall be subject to the following restrictions.

6.2.10.1 All solar energy generating facilities shall require approval from all applicable state and federal agencies as well as the affected energy provider.

6.2.10.2 Placement of solar energy generating equipment shall be based on preserving existing site features to the extent practical.

6.2.10.3 Solar energy generating facilities are exempt from parking requirements if there is not a building component.

6.2.10.4 Perimeter setback requirements shall be a minimum of forty (40) feet from property lines and not closer than two hundred (200) feet of any residence other than that of the property owners. Necessary ingress and egress from vehicles and utility and transmission lines may be located within the perimeter setback. Fences may not encroach into the setbacks.

6.2.10.5 Freestanding solar energy generating facilities shall be a maximum of twelve (12) feet in height as measured from the grade at the base of the structure (panel) to the apex of the structure (panel). Freestanding solar energy facilities shall not be visible from the interstate highways, US highways or scenic by-ways as designated by the North Carolina Department of Transportation or Polk County.

6.2.10.6 No more than 75% of a solar energy generating facility tract of property may be covered with panels (i.e. 20 acre tract required if 15 acres of panels to be installed.)

6.2.10.7 Copies of any lease agreement and plan for removal of facility/equipment shall be provided to Polk County.

6.2.10.8 Glare resistant solar panels shall be used in all applications.

6.2.10.9 Rooftop solar energy generating facilities should not be considered as rooftop equipment on any building type and therefore, does not require screening.

6.2.10.10 All solar energy generating facilities shall be completely enclosed with a six (6) feet high:

- (a) Black or green chain link fence or
- (b) Masonry wall or
- (c) Wooden fence that contains spacing no greater than six (6) inches.

If the solar energy generating facility is within two hundred (200) feet of a residence other than that of the property owners, a chain link fence is required with vegetation screening.

6.2.10.11 Lighting mitigation is required.

6.2.10.12 Solar energy generating facilities shall be maintained in good working condition and be free from debris and nuisances. When the facilities are no longer utilized for energy generation for a period of six (6) months or longer, the property owner shall have the panels and switch gear removed.

6.2.11 *Equestrian centers & facilities, multi-discipline.* Equestrian centers & facilities, multi-discipline may be allowed pursuant to the use tables in Article VI, provided:

6.2.11.1 All buildings and accessory buildings (permanent or temporary) used or intended for “Equestrian centers & facilities, multi-discipline” uses (as opposed to buildings and accessory buildings for uses permitted in Multiple Use Districts) shall be placed so as to be at least one hundred feet (100') from any property line; and

6.2.11.2. The parcel shall be so located as to provide for ingress and egress from the site directly onto a major thoroughfare having an existing or planned right-of-way at least sixty (60) feet in width and shall in no way traverse any single-family subdivisions, except single-family subdivisions within the “Equestrian” district.

6.2.12 *Heliports.* Heliports may be allowed pursuant to the use tables provided in this Article, subject to the following restrictions:

6.2.12.1 The Heliport shall comply with all applicable Federal Aviation Administration aircraft operation requirements.

6.2.12.2 The Heliport shall be used for the operation of helicopters for emergency, medical, public safety, and transportation purposes.

6.2.12.3 The Heliport shall not be used to provide prospective lot purchasers “flyover” views, for any other real estate promotional or real estate marketing purposes, or for sight-seeing tours.

6.2.12.4 All helicopters traveling to or from the Heliport shall, to the fullest extent practicable, travel along the air corridors above Interstate I-26 or U.S. Highway 74 while traveling in Polk County airspace.

6.2.12.5 The hours of operation for the Heliport shall be limited to 7 a.m. to 10 p.m. The limitation on the hours of operation shall not be applicable to emergency, medical, fire or law enforcement services.

6.2.13 *Spectator Sport Facility.* Spectator sport facilities, whether accommodating less than 500 spectators or accommodating 500 or more spectators, may be allowed pursuant to the use table provided in this article. Uses permitted with conditions shall be subject to the following restrictions:

6.2.13.1 Lighting for outdoor spectator sport facilities shall meet the following standards:

- a) Lighting installations shall be designed to achieve an average level no greater than the minimal illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).

- b) Lighting used to illuminate the surface shall be turned off by 11:30 pm.
- c) Lighting shall be designed by a lighting professional having experience with lighting installations.
- d) There shall be no maximum or minimum height restrictions relating to lighting installations on towers as defined by the Zoning Ordinance.
- e) Commercial lighting in any stadium will employ engineered lighting which will mitigate spillover and direct lighting into the stadium area.

6.2.13.2 Spectator Sports Facility shall not include motorized sports.

6.2.14 *Recreational Vehicle & Travel Trailer Parks, Service & Camp Areas.* Recreational vehicle & travel trailer parks, service & camp areas may be allowed pursuant to the use tables provided in this Article. Uses permitted with conditions shall be subject to the following restrictions:

6.2.14.1 Maximum of 15 units per acre

6.2.14.2 10% common space required

6.2.14.3 No site/space lease or continuous rental thereof shall exceed 6 months.

6.2.14.4 A 100 foot setback shall be required along property lines where the RV/Camp area meets or adjoins properties not owned by the Developer. The setback established pursuant to this section shall contain an earthen berm at least 2 feet high, with a minimum crown of 2 feet and a width to height ratio of no greater than 2:1, shrubs shall be planted on top of the berm that will attain a height of at least 72” within 4 years of installation and shall be planted 30” apart. In lieu of installing an earthen berm, Developer may utilize any natural berms, provided that any such natural berm meets or exceeds the criteria of this section.

6.2.14.5 Quiet hours shall be observed from 11 p.m. to 7 a.m.

6.2.14.6 All internal streets within RV/camp area shall be surfaced with a minimum of six inches of compacted stone and shall be maintained in a smooth, well-graded condition. All internal roads shall be capable of supporting the imposed load of fire apparatus in accordance with the Fire Apparatus Roads Standards in the North Carolina Fire Code.

6.2.14.7 Water – an accessible, adequate, safe and potable supply of water shall be required.

6.2.14.8 Sewer/Septic – approval by the Polk County Health Department shall be required for any installation, alteration or use of a sewage disposal system.

6.2.15 *Reserved for Future Purposes.*

6.2.16 *Recreational Vehicle.* ^{xv}

6.2.16.1 *Recreational Vehicle in Zoning Districts - E, EV, AR, HC, MU and FF zoning districts.*

- (1) One per parcel, provided:

- a. the recreational vehicle has a valid operational permit from the Health Department for water and a wastewater disposal system, and connected to the wastewater disposal system,
- b. the recreational vehicle is ready for highway use (defined as: fully licensed, own wheels or jacking system, attached to the site only by quick disconnect utilities, with no permanently attached additions, and has a current license plate, if applicable); or;
- ~~c. apply for a zoning permit that is required to be renewed annually; or~~

(2) One per parcel during the construction of personal residence provided: ^{xxv}

- a. the recreational vehicle is ready for highway use as defined above and has a valid operational permit from the Health Department for water and a wastewater disposal system, and connected to the wastewater disposal system,
- b. the owner has a valid residential building permit for the parcel upon which the recreational vehicle is located; or;
- ~~c. apply for a zoning permit that is required to be renewed annually; or~~

(3) One per parcel while stored upon the owner's property on which there is a residence built and is utilized for the owner's personal use; or

(4) In recreational vehicle and travel trailer parks or service and camp areas.

6.2.16.2 Recreational Vehicle in Zoning Districts *RE1, RE2, RE5, R, MR, NC, I and AR5* zoning districts:

One per parcel while stored upon the owner's property on which there is a residence built and utilized for the owner's personal use.

Article VII. Dimensional Requirements

Section 7.1 General Provisions^{xxv}

- A. Along each property line which is adjacent to a residential district, the property owner or developer shall place and maintain a buffer strip fifteen (15) feet wide upon which shall be planted an evergreen screen hedge to provide appropriate screening against noise, glare, fumes, dust, and other harmful effects. The buffer strip may utilize existing evergreen vegetation.
- B. All lots identified in a watershed must also meet the requirements of the Polk County Watershed Ordinance.
- C. All new lots shall meet the requirements of *Subdivision Ordinance* except that the minimum lot sizes shall meet the dimensional requirements in the table below.
- D. It is not permitted to average the lot areas to meet the minimum lot areas established in this Article. However, Cluster Developments shall be allowed in accordance with the Subdivision Ordinance, so long as the maximum density shall be equal to one dwelling unit per the minimum lot size listed in the dimensional table below. For example, if the minimum lot size is 43,560 square feet (1 acre), then the maximum density is one unit per acre.

Section 7.2 Dimensional Table^{xxv}

District	Max. Building Height from main floor (Ft)	Min. District Size (Acres)	Min. District Frontage on all Thoroughfares (Ft.)	Min. Lot Size – No Public/ Water or Sewer (Sq. Ft.)	Min. Lot Size – With Public/ Water or Sewer (Sq. Ft.)	Min. Lot Width (Ft)	Min. Front (Ft) Setback	Min. Side (Ft) Setback	Min. Rear (Ft) Setback
Equestrian (E)	50 ²	900	-	43,560 ¹ (1 acre)	10,890 ¹ Plus 3,000 for each additional unit (max. 12 dwelling units per acre) for multi-family residential use; 21,780- (1/2 acre) for all other uses	70	25	15	25
Equestrian Village (EV) ^{xiv}	60 ³	25	-	-	Maximum average density of 12 living units per acre within the area in each site specific plan ⁴		25	15	25
Government and Public Facilities (GPF) ^{xvi}	40	10	-	-	-	100	50	50	50
Residential Estate/Low Density (RE-1)	40	-	-	43,560 ¹ (1 acre)	43,560 ¹ (1 acre)	150	50	25	25
Residential Estate/Low Density (RE-2)	40	-	-	87,120 ¹ (2 acres)	87,120 ¹ (2 acres)	200	50	50	50
Residential Estate/Very Low Density (RE-5)	40	-	-	217,800 ¹ (5 acres)	217,800 ¹ (5 acres)	200	50	50	50
Residential (R)	40	-	-	43,560 ¹ (1 acre)	21,780 ¹ (½ acre)	70	25	15	25
Agricultural Residential (AR)	40	-	-	43,560 ¹ (1 acre)	21,780 ¹ (½ acre)	100	25	25	25
Multifamily Residential (MR)	40	-	-	- ¹	10,890 ¹ Plus 3,000 for each additional unit (max. 12 dwelling units per acre)	70	25	15	25

*These requirements also apply to existing nonconforming lots in the AR5 district.

¹Any major subdivision of land in this category (as major subdivision as defined in the Subdivision Ordinance), shall subject all such subdivided land to the minimum lot area requirements and all other requirements for major subdivisions as set forth in the Subdivision Ordinance. (All references to the Subdivision Ordinance shall refer to the Subdivision Ordinance as the same may be amended from time to time.)

² For the purposes of Max. Building Heights for equestrian centers or facilities, multi-discipline, height shall be the vertical distance from the highest finished-grade ground level within 25 feet of the structure to the highest point on the structure.

³For the purposes of Max. Building Height for a building in the Equestrian Village (EV) District, the height shall be measured from the main floor to the highest eave of the building. ^{xiv}

⁴All lots and units in an Equestrian Village (EV) District shall have both public water and public sewer. The Min. Lot Size (density) in the Equestrian Village (EV) District shall be measured by the average density of living units per acre within the area in each site specific plan, without regard to the ownership of lots or units within that area. For the purposes of the Min. Lot Size (density) in the Equestrian Village (EV) District, the total number of living units in an Equestrian Village Development shall be that number calculated by adding (i) the number of all multi-family residential units to (ii) one-half the sum of all Bed & Breakfast guestrooms plus all Motel & hotel guestrooms. A minimum of 15% of the total area within the Equestrian Village (EV) district shall be Open Space dedicated on a recorded site specific plan. ^{xiv}

Section 7.2 Dimensional Table

(cont.)

District	Max. Building Height from main floor (Ft)	Min. District Size (Acres)	Min. District Frontage on all Thoroughfares (Ft.)	Min. Lot Size – No Public/ Water or Sewer (Sq. Ft.)	Min. Lot Size – With Public/ Water or Sewer (Sq. Ft.)	Min. Lot Width (Ft)	Min. Front (Ft) Setback	Min. Side (Ft) Setback	Min. Rear (Ft) Setback
Neighborhood Commercial (NC)	40	-	-	21,780 ¹ (½ acre)	21,780 ¹ (½ acre)	80	50 or 75 from road centerline whichever is greater	20	20 or 25 adjacent to a Resid. area
Highway Commercial (HC)	40	-	1,000 ft. and separated by 1/4 mile of resid. Zoned frontage	- ¹	- ¹	100	30	25	25
Industrial	40	1 acre	-	87,120 ¹ (2 acres)	87,120 ¹ (2 acres)	200	50	25	25
Multiple Use	40	1 acre	-	43,560 ¹ (1 acre)	43,560 ¹ (1 acre)	70	25	15	25
Family Farm	40	1 acre	-	43,560 ¹ (1 acre)	21,780 ¹ (½ acre)	70	25	15	25
Agricultural Residential Very Low Density (AR-5)	40	-	-	217,800 ¹ (5 acres)	217,800 ¹ (5 acres)	200	50	50	50
*Family Subdivision				--- *43,560 (1 acre)	--- *43,560 (1 acre)	--- *150	--- *50	--- *25	--- *25

*These requirements also apply to existing nonconforming lots in the AR5 district.

¹Any major subdivision of land in this category (as major subdivision as defined in the Subdivision Ordinance), shall subject all such subdivided land to the minimum lot area requirements and all other requirements for major subdivisions as set forth in the Subdivision Ordinance. (All references to the Subdivision Ordinance shall refer to the Subdivision Ordinance as the same may be amended from time to time.)

²For the purposes of Max. Building Heights for equestrian centers or facilities, multi-discipline, height shall be the vertical distance from the highest finished-grade ground level within 25 feet of the structure to the highest point on the structure.

³For the purposes of Max. Building Height for a building in the Equestrian Village (EV) District, the height shall be measured from the main floor to the highest eave of the building. ^{xiv}

⁴All lots and units in an Equestrian Village (EV) District shall have both public water and public sewer. The Min. Lot Size (density) in the Equestrian Village (EV) District shall be measured by the average density of living units per acre within the area in each site specific plan, without regard to the ownership of lots or units within that area. For the purposes of the Min. Lot Size (density) in the Equestrian Village (EV) District, the total number of living units in an Equestrian Village Development shall be that number calculated by adding (i) the number of all multi-family residential units to (ii) one-half the sum of all Bed & Breakfast guestrooms plus all Motel & hotel guestrooms. A minimum of 15% of the total area within the Equestrian Village (EV) district shall be Open Space dedicated on a recorded site specific plan. ^{xiv}

Section 7.3 Group Development^{xxv}

In the case of two (2) or more principal buildings to be constructed on a plot of ground of at least two (2) acres not subdivided into the customary streets and lots and which will not be so subdivided, the application of the terms of this ordinance may be waived by the county Zoning Administrator in a manner that will be in harmony with the character of the neighborhood, provided:

7.3.1 Such uses are limited to those permitted within the zoning district in which the project is located. In no case shall the board authorize a use prohibited in the district in which the project is to be located.

7.3.2 The overall intensity of land use is no higher and the standard of open space is no lower than that permitted in the district in which the project is located.

7.3.3 The distance of every building from the nearest property line shall meet the front yard setback, rear yard setbacks, and side yard setback requirements of the district in which the project is located.

7.3.4 The building heights do not exceed the height limits permitted in the district in which the project is located.

7.3.5 All sanitation and utility services shall be reviewed by and approved by the county sanitarian/Environmental Health.

7.3.6 A design plan showing how the requirements of Subsection[s] 7.3.1-7.3.5 will be met is submitted along with the application for a group development. The procedure for approval of group development plans shall consist of the submission of a design plan showing the proposed layout, including the location of buildings, driveways, off-street parking spaces and recreation areas, etc., to the Zoning Administrator for study and final approval.

Section 7.4 Equestrian Village Development^{xiv, xxii}

A plan showing the layout of the proposed buildings and internal roads of an Equestrian Village Development shall be reviewed by the Zoning Administrator. At the time of such review, the property owner or the developer shall also submit to the Zoning Administrator documentation from the North Carolina Department of Transportation approving the site's access to the public road; documentation from the public water and public sewer utilities or service providers confirming that there is sufficient capacity to service the proposed development; documentation from the Fire Marshal approving the access to and the layout of the proposed Development; and documentation from the Emergency Management Director confirming adequate public safety facilities and services exist, or can be reasonably provided to serve the needs of the proposed use. After approval by the Zoning Administrator, the plan shall be recorded in the Office of the Register of Deeds of Polk County, North Carolina.

Section 7.5 Equestrian District Development^{xxii}

At the time of review of development, the property owner or the developer shall also submit to the Zoning Administrator documentation from the North Carolina Department of Transportation approving the site's access to the public road; documentation from the public water and public sewer utilities or service providers confirming that there is sufficient capacity to service the proposed development; documentation from the Fire Marshal approving the access to and the layout of the proposed Development; and documentation from the Emergency Management Director confirming adequate public safety facilities and services exist, or can be

reasonably provided to serve the needs of the proposed use. These requirements do not apply to single family residential.

Article VIII. Nonconforming Situations.^{xxv}

Section 8.1 Purpose

The purpose of this Article is to avoid undue hardship by permitting the continued use of any building, structure, or property that was lawful at the time of the enactment of this Ordinance or any applicable amendment thereof even though such use, structure or property does not conform to the provisions of this Ordinance. Any nonconformity created by an establishment or change in the zoning districts or text of these regulations shall be regulated by the provisions of this Article. This Article is also established to require that non-conforming situations be terminated under certain circumstances.

Section 8.2 Extension or Enlargement of Nonconforming Situations

- A. Except as specifically provided in this Section, no person may engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation.
- B. A nonconforming use may be extended through any portion of a completed building that, when the use was made nonconforming by this Ordinance, was manifestly designed or arranged to accommodate such use. However, a nonconforming use may not be extended to additional buildings or to land outside the original building.
- C. A nonconforming use may not be extended to cover more land than was occupied, or manifestly designed and arranged to be occupied, by that use when it became nonconforming. Per Subsection 8.2(G) below, nothing herein shall prevent the reconstruction, replacement, or expansion of a single-family dwelling unit that is nonconforming as to use.
- D. The volume, intensity, or frequency of use of property where a non-conforming situation may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and no violations of other paragraphs of this Article occur.
- E. Physical alteration of nonconforming structures or structures containing a nonconforming use is unlawful if it results in:
 - 1) An increase in the total amount of space devoted to a non-conforming use;
 - 2) Greater non-conformity with respect to dimension restrictions such as yard requirements, height limitations, or density requirements; and
 - 3) The enclosure of previously unenclosed areas, even though those areas are or were used in connection with the nonconforming activity.
- F. Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged. Major renovations—work estimated to cost more than ten percent but less than 60 percent of the taxed value of the structure to be renovated—may be done provided that the work will not result in a violation of any other paragraph in this Article. In no case, however, shall work costing more

than 60 percent of the taxed value of the structure be done, singularly or cumulatively, within any five-year period.

- G. Any structure used as a single-family dwelling unit and maintained as a nonconforming situation may be constructed, enlarged, or replaced, so long as the enlargement or replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to such matters as setback and parking requirements. Nothing herein shall prevent the maintenance, repair, extension or construction of a residential accessory building or swimming pool, provided it is done in the conformance with the requirements of this Ordinance.

Section 8.3 Nonconforming Lots of Record

Where the owners of a legally existing lot of record at the time of the adoption of this Ordinance or his successor in title thereto does not own sufficient land to enable him to conform to the area or lot width requirements of this ordinance, such lot may be used as a building site provided all other dimensional and use requirements are met. This Section applies only to undeveloped nonconforming lots. A lot is undeveloped if it has no substantial structures upon it.

Section 8.4 Re-establishment of a Nonconforming Situation Prohibited

- A. If a nonconforming use is abandoned for a period of one year or more, the use shall not be allowed to re-establish. All new uses in said structure shall thereafter be conforming.
- B. Any nonconforming building or structure or any building or structure containing a nonconforming use for which major repair or reconstruction is proposed in any amount equal to 60 percent or more of the taxed value of the building or structure or which has been damaged by any cause to an extent equal to 60 percent or more of its taxed value shall only be repaired and/or constructed and used as a conforming structure and a conforming use.
- C. Per Subsection 8.2(G) above, nothing herein shall prevent the reconstruction or replacement of a single-family dwelling unit that is nonconforming as to use.

Section 8.5 Nonconforming Uses

- A. A nonconforming use may be changed to a conforming use. Thereafter, the property may not revert back to a nonconforming use.
- B. A nonconforming use shall not be changed to another nonconforming use nor shall a nonconforming structure be replaced after it has been destroyed except upon approval by the Board of Adjustment.
- C. If a nonconforming use and a conforming use, or any combination of nonconforming uses exist on one lot, the use made of the property may be changed only to a conforming use.
- D. Conforming uses may be established or re-established in nonconforming buildings or structures provided that off-street parking is provided as required by this Ordinance and provided no other provisions of this Ordinance for the establishment of new uses is violated.

Article IX. Administration and Enforcement. ^{xxv}

Conflicts of Interest:

(a) Governing Board - A governing board member shall not vote on any legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. A governing board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(b) Appointed Boards - Members of appointed boards shall not vote on any advisory or legislative decision regarding a development regulation adopted pursuant to this Chapter where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member. An appointed board member shall not vote on any zoning amendment if the landowner of the property subject to a rezoning petition or the applicant for a text amendment is a person with whom the member has a close familial, business, or other associational relationship.

(c) Administrative Staff - No staff member shall make a final decision on an administrative decision required by this Chapter if the outcome of that decision would have a direct, substantial, and readily identifiable financial impact on the staff member or if the applicant or other person subject to that decision is a person with whom the staff member has a close familial, business, or other associational relationship. If a staff member has a conflict of interest under this section, the decision shall be assigned to the supervisor of the staff person or such other staff person as may be designated by the development regulation or other ordinance.

No staff member shall be financially interested or employed by a business that is financially interested in a development subject to regulation under this Chapter unless the staff member is the owner of the land or building involved. No staff member or other individual or an employee of a company contracting with a local government to provide staff support shall engage in any work that is inconsistent with his or her duties or with the interest of the local government, as determined by the local government.

(d) Quasi-Judicial Decisions - A member of any board exercising quasi-judicial functions pursuant to this Chapter shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter.

(e) Resolution of Objection - If an objection is raised to a board member's participation at or prior to the hearing or vote on a particular matter and that member does not recuse himself or herself, the remaining members of the board shall by majority vote rule on the objection.

(f) Familial Relationship - For purposes of this section, a "close familial relationship" means a spouse, parent, child, brother, sister, grandparent, or grandchild. The term includes the step, half, and in-law relationships.

Section 9.1 Zoning Administrator

To provide the general administration, interpretation and enforcement of this ordinance the Polk County Board of Commissioners shall appoint a Zoning Administrator who will be directly responsible to, and report periodically, to the Board.

It is the intent of this ordinance that all questions relative to its general administration, interpretation and enforcement shall be presented to the Zoning Administrator. Appeal from his determinations and decisions shall be made to the Board of Adjustment. Further recourse shall be taken to the courts as established by law. It is also the intent of this ordinance that the county commissioners shall not hear or pass on disputed questions

of interpretations or enforcement of it. The duties of the county commissioners in connection with this ordinance shall only include those related to the calling and holding of public hearings and voting upon any proposed amendments to or repeal of this ordinance, as provided by law.

If the Zoning Administrator finds that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of the illegal use of land, buildings or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with, or to prevent violation of its provisions.

If a ruling of the Zoning Administrator is questioned, the aggrieved party or parties may appeal such ruling to the Board of Adjustment in accordance with Section 10.4 below.

Section 9.2 Certificate of zoning compliance required.

No buildings, or other structures shall be erected, moved, added to, or structurally altered until a certificate of zoning compliance has been issued by the Zoning Administrator. No certification of zoning compliance shall be issued except in conformity with the provisions of this ordinance.

Section 9.3 Application for certificate of zoning compliance.

All applications for certificate of zoning compliance shall be accompanied by two (2) sets of plans showing the dimensions and shape of the parcel to be built upon, the exact sizes, uses and locations on the parcel of buildings already existing, if any, and the locations, dimensions and uses of the proposed buildings or alterations. The application shall include such other information as may be necessary to determine conformance with and provide for the enforcement of this ordinance. A fee shall be charged for the processing of each such application. In addition, any other information called for on the application form shall also be included.

Section 9.4 Health department approval of water supply and sewage disposal facilities.

The Zoning Aadministrator shall not issue a certificate of zoning compliance for any use, building or purpose proposed for a location outside of any incorporated municipality without written approval of any and all needed or proposed water supply and sewage disposal facilities from the county sanitarian. Issuance and use of a certificate of zoning compliance shall be subject to all terms and qualifications imposed by the county sanitarian.

Section 9.5 Certificate of occupancy required.

A certificate of occupancy issued by the Zoning Administrator is required in advance of:

1. Occupancy or use of a building hereafter erected, altered or moved.
2. Change of use of any building or land.

A certificate of occupancy, either for the whole or a part of a building shall be applied for coincident with the application for a certificate of zoning compliance and shall be issued within ten (10) days after the erection or structural alteration of such building or part shall have been completed in conformity with the provision of

this ordinance. A certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provisions of this ordinance. If the certificate of occupancy is denied, the Zoning Administrator shall state in writing the reasons for refusal and the applicant shall be notified of the refusal. A record of all certificates shall be kept on file in the office of the Zoning Administrator and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building or land involved.

Section 9.6 Fees.^v

The Board of Commissioners shall adopt and periodically update a schedule of fees for application and processing as specified in this ordinance.

Section 9.7 Zoning violations.

Any of the following shall be a violation of this ordinance and shall be subject to the enforcement remedies and penalties provided herein and by North Carolina State Law.

9.7.1 Development without permit. To engage in any development, site preparation, use, demolition, construction, remodeling, or other activity of any nature upon land or improvements thereon subject to the jurisdiction of this ordinance without all required permits, certificates, or other forms of authorization as set forth in this ordinance.

9.7.2 Development inconsistent with permit. To engage in any development, site preparation, use, demolition, construction, remodeling, or other activity of any nature in any way inconsistent with any approved plan, permit, certificate, or other form of authorization granted for such activity.

9.7.3 Violation by act of omission. To violate, by act of omission, any term, variance, modification, condition, or qualification placed by the Board of Commissioners or its agent boards upon any required permit, certificate, or other form of authorization for the use, development, or other activity upon land or improvements thereon.

9.7.4 Use in violation. To erect, construct, reconstruct, alter, repair, convert, maintain, or use any building or structure, or to use any land, or to conduct any activity in violation or contravention of this ordinance or any other regulation made under the authority conferred thereby.

9.7.5 Continue a violation. To continue any of the above violations is a separate and distinct offense.

Section 9.8 Inspections and investigations.

9.8.1 Inspections. The Zoning Administrator shall have the right upon presentation of proper credentials, or inspection warrant if necessary, to enter on any premises within the planning jurisdiction of the County at any reasonable hour for the purposes of inspection, determination of plan compliance, or other enforcement actions under this ordinance and state law.

9.8.2 Investigations. The Zoning Administrator shall have the power to conduct such investigations as he or she may reasonably deem necessary to carry out their duties as prescribed in this ordinance and, for this purpose, to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any complaints or alleged violations of this ordinance.

9.8.3 Supporting documentation. The Zoning Administrator shall have the power to require written statements, certificates, certifications, or the filing of reports with respect to pertinent questions relating to complaints or alleged violations of this ordinance.

9.8.4 Administrative search warrants. No person shall obstruct, hamper or interfere with the Zoning Administrator while carrying out his or her official duties. If the owner or occupant of any property refuses to permit inspections or otherwise obstructs an investigation or other actions of the Zoning Administrator in the performance of his or her duties, the Zoning Administrator shall proceed to obtain an administrative search warrant pursuant to G.S. 15-27.2 or its successor.

Section 9.9 Enforcement procedures.

9.9.1 Notify the owner or occupant of violation. When the Zoning Administrator becomes aware of a violation of this ordinance, it shall be his or her duty to notify the owner or occupant of the land, building, structure, or use of the violation. The owner or occupant shall promptly remedy the violation.

9.9.2 Notice of violation. If the owner or occupant of the land, building, structure, or use in violation fails to take prompt corrective action, the Zoning Administrator shall give the owner or occupant written notice (by certified or registered mail to his last known address, by personal service, or by posting notice conspicuously on the property) of the following:

- A. That the activity, land, building, structure, or use is in violation of this ordinance;
- B. The nature of the violation, and citation of the section(s) of this ordinance violated;
- C. The measures necessary to remedy the violation; and
- D. Mechanisms available to appeal the decision of the Zoning Administrator.

9.9.3 Appeal. Any owner or occupant who has received a notice of violation may appeal in writing the decision of the Zoning Administrator to the Board of Adjustment in accordance with Section 10.4 below.

9.9.4 Notice of decision. The decision of the Board of Adjustment may be delivered to the aggrieved party either by personal service or by registered mail, certified mail return receipt requested, or by posting notice conspicuously on the property. Such notice of decision shall inform the recipient of the timeframe within which compliance shall be required, and the remedies available to the County as provided by state law and this Ordinance.

9.9.5 Failure to comply with notice of violation, notice of intent, and decision of the board of adjustment. If the owner or occupant of a property fails to comply with a notice of violation from which no appeal has been taken, or a final decision by the Board of Adjustment following an appeal, the owner or occupant shall be subject to such remedies and penalties as may be provided for by state law or by Section 9.7

Section 9.10 Remedies.

Any or all of the following procedures may be used to enforce the provisions of this ordinance.

9.10.1 Injunction. Any violation of this ordinance or of any condition, order, requirement, or remedy adopted pursuant hereto may be restrained, corrected, abated, mandated, or enjoined by other appropriate proceedings pursuant to state law.

9.10.2 Civil penalties. Any person who violates any provision of this ordinance shall be subject to the assessment of a civil penalty under the procedures provided in Section 9.13.

9.10.3 Denial of permit, application or certificate. The Zoning Administrator shall withhold or deny any permit, application, certificate, or other authorization on any land, building, structure, or use in which there is an uncorrected violation of a provision of this ordinance, or of a condition or qualification of a permit, certificate, or other authorization previously granted.

9.10.4 Special use permit or temporary certificate. The Zoning Administrator may condition the authorization of any permit or certificate upon the correction of the deficiency, payment of civil penalties within a specified time, or the posting of a compliance security bond approved by Zoning Administrator.

9.10.5 Stop work orders. Whenever any land disturbing activity is commenced and/or a building, structure, or part thereof is being constructed, reconstructed, altered, or repaired in violation of this ordinance, the Zoning Administrator may order the work to be immediately stopped. The stop work order shall be in writing and directed to the owner, occupant, or person doing the work. The stop work order shall state the specific work to be stopped, the specific reasons for the stoppage, and the conditions under which the work may be resumed. Such action shall be in accordance with the applicable North Carolina Building Code.

9.10.6 Revocation of permits or certificates. The Zoning Administrator may revoke and require the return of a permit or certificate by notifying the permit holder in writing, stating the reason for the revocation. Permits or certificates shall be revoked for any of the following: substantial departure from the approved application, plans, or specifications; refusal or failure to comply with the requirements of state or local laws; or for false statements or misrepresentations made in securing the permit or certificate. Any permit or certificate mistakenly issued in violation of an applicable state or local law may also be revoked.

9.10.7 Criminal penalties. Violations of this ordinance shall not constitute a Class 1 Misdemeanor as provided by NCGS 14-4 but shall be civil in nature only.

Section 9.11 Civil penalties - Assessments and procedures.

9.11.1 Responsible parties. The owner or occupant of any land, building, structure, use of land, or part thereof, and any architect, builder, contractor, agent, or other person who participates or acts in concert, assists, directs, creates, or maintains any condition that is in violation of this ordinance may be held responsible for the violation and subject to the civil penalties and remedies provided herein.

9.11.2 Notice. No civil penalty shall be assessed until the person alleged to be in violation has been notified in accordance with Section 9.9. If after receiving a notice of violation under Section 9.9, the owner or other violator fails to take corrective action, a civil penalty may be imposed under this section in the form of a citation. The citation shall be served in the same manner as of a notice of violation. The citation shall state the nature of the violation, shall state the civil penalty to be imposed upon the violator, and shall direct the violator to pay the civil penalty within 15 days of the date of the citation.

9.11.3 Continuing violation. For each day the violation is not corrected after the citation is issued, the violator will be guilty of an additional and separate offense and subject to additional civil penalties.

Section 9.12 Other powers and actions.

In addition to other enforcement provisions contained in this Article, the County may exercise any and all enforcement powers granted to it by state law or common law.

Section 9.13 Remedies - Cumulative and continuous.

9.13.1 Cumulative violations. All remedies provided herein shall be cumulative. To the extent that North Carolina law may limit the availability of a particular remedy set forth herein for a certain violation or a part thereof, such remedy shall remain available for other violations or other parts of the same violation.

9.13.2 Repeat violations. If an owner or occupant repeats the same violation within a five year period from the date of the initial violation, it shall be considered to be a continuation of the initial violation and shall be subject to additional penalties and remedies.

9.13.3 Penalties. Any person who violates any provision of this ordinance shall be subject to assessment of a civil penalty in the amount of:

- A. \$50.00 for the first violation;
- B. \$100.00 for the second violation;
- C. \$200.00 for the third violation; and
- D. \$500.00 for the fourth and each succeeding violation.

9.13.4 Demand for payment. The Zoning Administrator shall make written demand for payment upon the owner or the person in violation and shall set forth in detail a description of the violation for which the civil penalty has been imposed.

9.13.5 Nonpayment. If payment is not received or equitable settlement reached within 30 days after demand for payment is made, the matter may be referred to legal counsel to institute a civil action for recovery of the civil penalty.

Article X. Board of Adjustment.^x

Section 10.1 Composition, Term and Qualifications of Members.

This Ordinance provides for the appointment and compensation of a Board of Adjustment consisting of five or more members, each appointed for three years. In the filling of vacancies caused by the expiration of the terms of existing members, the county commissioners shall, if practicable, have at least one resident of each designated zoning area as a member of the Board of Adjustment; otherwise, the provisions of G.S. 153A-25 regarding qualifications for appointive office shall apply to board of appointments. The county commissioners shall appoint and may provide compensation for five^{xxiii} alternate members to serve on the Board in the absence or temporary disqualification of any regular member or to fill a vacancy pending appointment of a member. Alternate members shall be appointed for the same term, at the same time, and in the same manner as regular

members. Each alternate member serving on behalf of any regular member has all the powers and duties of a regular member.

Section 10.2 Duties.

The Board of Adjustment shall hear and decide -Special Use Permits, requests for variances, and appeals of decisions of administrative officials charged with enforcement of this ordinance. As used in this section, the term "decision" includes any final and binding order, requirement, or determination. The Board of Adjustment shall follow quasi-judicial procedures when deciding appeals, requests for variances and Special Use Permits. The Board shall hear and decide all matters upon which it is required to pass under any statute or ordinance that regulates land use or development.

Section 10.3 Notice of Hearing.

Notice of hearings conducted pursuant to this article shall be mailed to the person or entity whose appeal, application, or request is the subject of the hearing; to the owner of the property that is the subject of the hearing if the owner did not initiate the hearing; to the owners of all parcels of land adjacent to the parcel of land that is the subject of the hearing; and to any other persons entitled to receive notice as provided by the zoning ordinance. In the absence of evidence to the contrary, the county may rely on the county tax listing to determine owners of property entitled to mailed notice. The notice must be deposited in the mail at least 10 days, but not more than 25 days, prior to the date of the hearing. Within that same time period, the county shall also prominently post a notice of the hearing on the site that is the subject of the hearing or on an adjacent street or highway right-of-way.

Section 10.4 Appeals.

The Board of Adjustment shall hear and decide appeals decisions of administrative officials charged with enforcement of the zoning ordinance and may hear appeals arising out of any other ordinance that regulates land use or development, pursuant to all of the following:

- 10.4.1** Any person who has standing under G.S. 160D-1402(c) or the county may appeal a decision to the Board of Adjustment. An appeal is taken by filing a notice of appeal with the County Clerk. The notice of appeal shall state the grounds for the appeal.
- 10.4.2** The official who made the decision shall give written notice to the owner of the property that is the subject of the decision and to the party who sought the decision, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail.
- 10.4.3** The owner or other party shall have 30 days from receipt of the written notice within which to file an appeal. Any other person with standing to appeal shall have 30 days from receipt from any source of actual or constructive notice of the decision within which to file an appeal.
- 10.4.4** It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least 10 days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision.

- 10.4.5** The official who made the decision shall transmit to the Board all documents and exhibits constituting the record upon which the action appealed from is taken. The official shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner.
- 10.4.6** An appeal of a notice of violation or other enforcement order stays enforcement of the action appealed from unless the official who made the decision certifies to the Board of Adjustment after notice of appeal has been filed that because of the facts stated in an affidavit, a stay would cause imminent peril to life or property or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance. In that case, enforcement proceedings shall not be stayed except by a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the Board of Adjustment shall meet to hear the appeal within 15 days after such a request is filed. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the Board may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.
- 10.4.7** Subject to the provisions of subdivision (6) of this subsection, the Board of Adjustment shall hear and decide the appeal within a reasonable time.
- 10.4.8** The official who made the decision shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the county would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the Board shall continue the hearing. The Board of Adjustment may reverse or affirm, wholly or partly, or may modify the decision appealed from and shall make any order, requirement, decision, or determination that ought to be made. The Board shall have all the powers of the official who made the decision.
- 10.4.9** When hearing an appeal pursuant to G.S. 160D-947(e) or any other appeal in the nature of certiorari, the hearing shall be based on the record below and the scope of review shall be as provided in G.S. 160D-1402(j).
- 10.4.10** The parties to an appeal that has been made under this subsection may agree to mediation or other forms of alternative dispute resolution. The ordinance may set standards and procedures to facilitate and manage such voluntary alternative dispute resolution.

A majority of the members shall be required to decide to determine an appeal made in the nature of certiorari in accordance with Section 10.7 *et seq.* below.

Section 10.5 Special Use Permits.^{xxv}

A Special Use Permit from the Board of Adjustment is required for all special uses. The Board of Adjustment shall hear and decide Special Use Permits in accordance with standards and procedures specified in this ordinance and may issue Special Use Permits in the classes of cases or situations and in accordance with the principles, conditions, safeguards, and procedures specified herein and may impose reasonable and appropriate conditions and safeguards upon these permits. Where appropriate, the

conditions may include requirements that street and utility rights-of-way be dedicated to the public and that recreational space be provided.

10.5.1 Application. When a Special Use Permit is required by the terms of this Ordinance, application for such permit, along with a fee established by resolution of Board of Commissioners, shall be made in accordance with this Section. A completed application for a Special Use Permit must be received by the Zoning Administrator at least 30 days prior to the date of a Board of Adjustment meeting in order to be scheduled for such meeting.

10.5.2 Site Plan. The application for a ~~Special Use Permit~~ shall be accompanied by a site plan conforming to the requirements of the Zoning Administrator.

10.5.3 Quasi-Judicial Hearings on Applications for Special Use Permits. Once the Zoning Administrator is in receipt of a complete application and seven copies of a complete site plan, he or she will schedule the application for a public hearing before the Board. The Zoning Administrator shall mail the Notice of Hearing in accordance with Section 10.3 of this Article. The Board of Adjustment shall conduct a quasi-judicial hearing on the application and shall allow any interested party to appear, either in person or by agent or attorney.

10.5.4 Board action on applications for ~~Special Use Permits.~~ After the public hearing, and on consideration of the record, the Board shall take action on the application, either (1) denying it, (2) approving it, or (3) approving it subject to one or more conditions. A majority of the members shall be required to decide an application for a Special Use Permit in accordance with Section 10.7 *et seq.* below. The Board shall not approve an application for a Special Use Permit, with or without conditions, unless it makes each of the following findings of fact:

- (1) the proposed use complies with the standards for such use, if any, contained in this Zoning Ordinance;
- (2) the proposed use will not adversely affect the health or safety of persons residing or working in the neighborhood of such proposed use;
- (3) the proposed use will not be detrimental or injurious to property, property uses or property values, or to public improvements, in the neighborhood of such proposed use; and
- (4) the proposed use is designed and will be operated in such a manner as to be in harmony with the neighborhood in which it is to be located.

10.5.5 Recordation/Effect of Approval. The Special Use Permit shall be filed with the Polk County Register of Deeds by the Clerk to the Board of Adjustment within one month from the date of approval. All Special Use Permits that are granted shall run with the property or structure for which the ~~Special Use Permit~~ is being sought and not with the owner of the property or structure.

Section 10.6 Variances.

When unnecessary hardships would result from carrying out the strict letter of the zoning ordinance, the Board of Adjustment shall vary any of the provisions of the ordinance upon a showing of all of the following:

- (1) Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;
- (2) The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance;
- (3) The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship; and
- (4) The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured, and substantial justice is achieved.

No change in permitted uses may be authorized by variance. Appropriate conditions may be imposed on any variance, provided that the conditions are reasonably related to the variance. Any other ordinance that regulates land use or development may provide for variances consistent with the provisions of this subsection.

10.6.1 Application. When a variance is requested the applicant shall submit a completed application for such permit, along with a fee established by resolution of Board of Commissioners.

10.6.2 Quasi-Judicial Hearings on Applications for Variances. Once the Zoning Administrator is in receipt of a complete application and a complete site plan, he or she will schedule the application for a public hearing before the Board. The Zoning Administrator shall mail the Notice of Hearing in accordance with Section 10.3 of this Article. The Board of Adjustment shall conduct a quasi-judicial hearing on the application and shall allow any interested party to appear, either in person or by agent or attorney.

10.6.3 Board action on applications for variances. After the quasi judicial hearing, and on consideration of the record, the Board shall take action on the application, either (1) denying it, (2) approving it, or (3) approving it subject to one or more conditions. A concurring vote of four-fifths of the Board shall be necessary to grant a variance in accordance with Section 10.7, *et seq.*

10.6.4 Recordation/Effect of Approval. The approved variance shall be filed with the Polk County Register of Deeds by the Clerk to the Board of Adjustment within one month from the date of approval. All variances that are granted shall run with the property or structure for which the variance is being sought and not with the owner of the property or structure.

Section 10.7 Voting.

The concurring vote of four-fifths of the Board shall be necessary to grant a variance. A majority of the members shall be required to decide any other quasi-judicial matter or to determine an appeal made in the nature of certiorari. For the purposes of this subsection, vacant positions on the Board and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the Board for calculation of the requisite majority if there are no qualified alternates available to take the place of such members.

10.7.1 Recusal.

A member of the Board or any other body exercising quasi-judicial functions pursuant to this Article shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

Section 10.8 Quasi-Judicial Decisions and Judicial Review.

10.8.1 Quasi-Judicial Decisions.

The Board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the Board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the Chair or other duly authorized member of the Board. A quasi-judicial decision is effective upon filing the written decision with the Clerk to the Board of Adjustment. The decision of the Board shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.

10.8.2 Judicial Review.

Every quasi-judicial decision shall be subject to review by the superior court by proceedings in the nature of certiorari pursuant to G.S. 160D-1402. A petition for review shall be filed with the Clerk of Superior Court by the later of 30 days after the decision is effective or after a written copy thereof is given in accordance with Section 10.8.1 of this subsection. When first-class mail is used to deliver notice, three days shall be added to the time to file the petition.

Section 10.9 Oaths.

The Chair of the Board or any member acting as Chair and the Clerk to the Board are authorized to administer oaths to witnesses in any matter coming before the Board. Any person who, while under oath during a proceeding before the Board of Adjustment, willfully swears falsely is guilty of a Class 1 misdemeanor.

Section 10.10 Subpoenas. ^{xxv}

The Board of Adjustment through the Chair, or in the Chair's absence anyone acting as Chair, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing under G.S. 160D-1402(c) may make a written request to the Chair explaining why it is necessary for certain witnesses or evidence to be compelled. The Chair shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The Chair shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the Chair may be appealed to the full Board of Adjustment. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the Board of

Adjustment or the party seeking the subpoena may apply to the General Court of Justice for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

Article XI. Amendments

Section 11.1 Procedure.^{xix}

This ordinance, including the zoning map, may be amended from time to time, but no amendment shall become effective unless it shall have been proposed by, or shall first have been submitted to, the Polk County Planning Board for review and recommendation. The planning board shall have thirty (30) days within which to submit its report. If the planning board fails to submit its report within the thirty-day period, it shall be deemed to have approved the proposed amendment prior to adopting or rejecting any zoning amendment, the Board of County Commissioners shall adopt one of the following statements which shall not be subject to judicial review:

- (1) A statement approving the zoning amendment and describing its consistency with the comprehensive plan and explaining why the action taken is reasonable and in the public interest.
- (2) A statement rejecting the zoning amendment and describing its inconsistency with the comprehensive plan and explaining why the action taken is reasonable and in the public interest.
- (3) A statement approving the zoning amendment and containing at least all of the following:
 - a. A declaration that the approval is also deemed an amendment to the comprehensive plan. The Board of County Commissioners shall not require any additional request or application for amendment to the comprehensive plan.
 - b. An explanation of the change in conditions the Board of County Commissioners took into account in amending the zoning ordinance to meet the development needs of the community.
 - c. Why the action was reasonable and in the public interest.

A public hearing shall be held by the Board of County Commissioners before adoption of any proposed amendment to this ordinance. A notice of such public hearing shall be given in accordance with state statutes.

Section 11.2 Planning board study.^{xix}

Every proposed amendment or repeal of this ordinance shall be referred to the planning board for its recommendation and report, provided that no proposal shall be required to be considered by the planning board within ten (10) days from filing of the proposal with the Zoning Administrator. Prior to consideration of a proposed zoning amendment by the Board of Commissioners, the Planning Board shall advise and comment on whether the proposed amendment is consistent with the comprehensive plan. The planning board shall provide a written recommendation to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board. Each application shall be signed and shall contain at least the following information:

- a. The applicant's name in full, applicant's address, address or description of the property to be zoned or rezoned. When instituting a zoning change, the applicant must pay all advertising and mailing costs incurred by the County.
- b. Applicant's interest in the property and the type of zoning or rezoning requested.
- c. If the proposed change would require a change in the zoning map, an accurate diagram of the property proposed for rezoning showing:

- 1) All property lines with dimensions and directions shown on the map as north, east, west, and south (north arrow);
 - 2) Adjoining streets with rights-of-way and paving widths;
 - 3) The location of all structures, the use of all land;
 - 4) Zoning classification of all abutting zoning districts, the names and addresses of current abutting property owners;
 - 5) Comprehensive site plan if the application is for commercial, industrial, multifamily or mobile home developments.
- d. A statement regarding the changing conditions, if any, in the area or in the county generally, that make the proposed amendment reasonably necessary to the promotion of the public health, safety and general welfare.
 - e. Any other relevant information which the Planning Board or Zoning Administrator may request.

Article XII. Definitions

Except where specifically defined below, all words used in the present tense include the future tense; the singular number includes the plural; the word “building” includes the word “structure”; the word “lot” includes the word “plot” or “parcel”; the term “shall” is always mandatory; the word “used” or “occupied,” as applied to any land or building shall be construed to include the words “intended”, arranged or designed to be used or occupied.

Accessory building. A building, subordinate to the main building on a lot and used for a purpose customarily incidental to that main or principal building.

Accessory dwelling unit. ^{xiii} A residential dwelling unit, including a mobile home (if permitted in zoning district), located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit or in a detached building. The parcel must be a minimum of one acre in size or the minimum required lot size of zoning district, whichever is greater.

Agricultural building ^{xxi}. A structure on agricultural land designed, constructed, and used to house farm implements, livestock, or agricultural produce or products used by the owner, lessee, or sub-lessee or their immediate families, their employees, and persons engaged in the pick up or delivery of agricultural produce or products grown or raised on the premises. The term “agricultural building” shall not include dwellings.

Animal processing facilities. Commercial operations in which the animals are cut-up, skinned, boned, canned, salted, stuffed, rendered, or otherwise manufactured or processed. Animal processing for personal use is not included in this definition.

Arcades. The operation of business establishments, including but not limited to, video poker, gaming or sweepstakes establishments, that offer for use or otherwise allow persons to play video games, arcade games, pinball machines, or other computer, electronic or mechanical devices for amusement.

Automobile, truck, farm equipment & farm implement sales and service (Major and Minor). An establishment primarily engaged in the sales, repair, or maintenance of motor vehicles, motorized farm equipment, and farm implements. Major repairs and maintenance includes paint, body, fender repair and painting, and major engine overhaul. Minor repairs and maintenance include brake, muffler, upholstery work, tire repair and change, lubrication, tune-ups, and transmission work. Both major and minor repairs and maintenance are to be performed within a completely enclosed building.

Bed & Breakfast. ~~A private residence, several rooms of which are set aside for overnight guests whose paid accommodations include breakfast. It must meet all legally required tax, fire, building, health, and other requirements for this size and use of property. This establishment advertises publicly and can legally post a sign. Reservations may be made directly with the property owner. A detached single-family dwelling occupied by the dwelling owner and containing eight or fewer guest rooms for rent for a period of less than two weeks.~~

Boarding house. A building arranged or used for lodging for compensation, with or without meals, and not occupied as a single-family unit.

Bona fide farm.^{xv, xix} The production and activities relating or incidental to the production of crops, grains, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture:

- (1) The cultivation of soil for production and harvesting of crops, including but not limited to fruits, vegetables, sod, flowers and ornamental plants.
- (2) The planting and production of trees and timber.
- (3) Dairying and the raising, management, care, and training of livestock, including horses, bees, poultry, and other animals for individual and public use, consumption, and marketing.
- (4) Aquaculture as defined in G.S. 106-758.
- (5) The operation, management, conservation, improvement, and maintenance of a farm and the structures and buildings on the farm, including building and structure repair, replacement, expansion, and construction incident to the farming operation.
- (6) When performed on the farm, "agriculture", "agricultural", and "farming" also include the marketing and selling of agricultural products, agritourism, the storage and use of materials for agricultural purposes, packing, treating, processing, sorting, storage, and other activities performed to add value to crops, livestock, and agricultural items produced on the farm, and similar activities incident to the operation of a farm.
- (7) A public or private grain warehouse or warehouse operation where grain is held 10 days or longer and includes, but is not limited to, all buildings, elevators, equipment, and warehouses consisting of one or more warehouse sections and considered a single delivery point with the capability to receive, load out, weigh, dry, and store grain.

For purposes of determining whether a property is being used for bona fide farm purposes, any of the following shall constitute sufficient evidence that the property is being used for bona fide farm purposes:

- a. A farm sales tax exemption certificate issued by the Department of Revenue.
- b. A copy of the property tax listing showing that the property is eligible for participation in the present use value program pursuant to G.S. 105-277.3.
- c. A copy of the farm owner's or operator's Schedule F from the owner's or operator's most recent federal income tax return.
- d. A forest management plan.

A building or structure that is used for agritourism is a bona fide farm purpose if the building or structure is located on a property that (i) is owned by a person who holds a qualifying farm sales tax exemption certificate from the Department of Revenue pursuant to G.S. 105-164.13E(a) or (ii) is enrolled in the present-use value program pursuant to G.S. 105-277.3. Failure to maintain the requirements of this subsection for a period of three years after the date the building or structure was originally classified as a bona fide farm purpose pursuant to this subsection subjects the building or structure to applicable zoning and development regulation ordinances adopted by a county pursuant to G.S. 160D-702 in effect on the date the property no longer meets the requirements of this subsection. For purposes of this section, "agritourism" means any activity carried out on a farm or ranch that allows members of the general public, for

recreational, entertainment, or educational purposes, to view or enjoy rural activities, including farming, ranching, historic, cultural, harvest-your-own activities, hunting, fishing, equestrian activities, or natural activities and attractions. A building or structure used for agritourism includes any building or structure used for public or private events, including, but not limited to, weddings, receptions, meetings, demonstrations of farm activities, meals, and other events that are taking place on the farm because of its farm or rural setting.

Building. Any structure used or intended for supporting or sheltering any use or occupancy. ^{xxv}

Building, principal. A building in which is conducted the main or principal use of the lot on which said building is situated.

Building height ^{xxi}. In measuring a building ^{xxiii}, or part thereof, to determine compliance with the maximum height provisions, measurement will be taken from the level of the highest point, or part thereof, and shall not include ornamental cupolas, weathervanes, belfries, chimneys, flag or radio poles, unless otherwise defined.

Carwash. [An area or structure equipped with facilities for washing vehicles.](#)

Cemetery. Land used or intended to be used for the interment of the dead and dedicated for cemetery purposes.

Church, Synagogue, Temple, Or Other Religious Building. A building used for public religious worship.

Club, public or private. Buildings or facilities owned or operated by a corporation, association, or persons for a social, educational, or recreational purpose; but not for profit or to render a service that is customarily carried on as a business.

Cluster Development. A type of major subdivision that is intended is to allow smaller than minimum lot sizes with dwelling units clustered in smaller areas in order to preserve larger areas of open space and environmental resources.

Community Recreation Center. A place, structure, area, or other facilities used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

Convenience Stores, Including those that sell petroleum and petroleum products. Small franchised or un-franchised stores or markets that sell groceries, consumer goods, foods and petroleum products such as gasoline, diesel fuel, and motor oil.

Customary home occupation, Class I. Any use conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residence purposes and does not change the character thereof, and in connection with which there is no display and no person, not a resident on the premises, is employed specifically in connection with the customary home occupation, except that not more than one (1) assistant may be employed; provided further, that no mechanical equipment is installed or used except such that is normally used for domestic or professional purposes, and that not over twenty-five (25) percent of the floor space of any structure is used for home occupations.

Customary Home Occupation, Class II. Includes uses conducted entirely within dwellings as permitted under Customary Home Occupation, Class I, and adds permitted uses that are conducted entirely within an accessory building of:

- (1) No greater than 2,500 square feet on a parcel size of 1 to 1.5 acres; or
- (2) No greater than 4,000 square feet on a parcel size of over 1.5 acres.

Use restrictions as to mechanical equipment applicable to Customary Home Occupation, Class I shall not apply to uses conducted entirely within an accessory building. Permitted uses must be clearly incidental and secondary to the primary use of the parcel for residential purposes and should not change the character thereof. Outdoor displays are not permitted.

Permitted uses must be carried on by at least one occupant of the dwelling with no more than four nonresident employees.

Any uses allowed as a Special Use (S) in the Permitted Use Table (Article VI) will require a Special Use Permit. Uses that are blank in the Permitted Use Table are not permitted for Customary Home Occupation, Class II.

Reference Section 4.6, 4.7, 4.9 and 4.10 for Parking Requirement.

Data processing facilities. A building or dedicated space within a building used to house a large group of computer systems and associated components, such as telecommunications and data processing systems, to be used for the remote storage, processing, or distribution of large amounts of data. Such facilities may also include air handlers, power generators, water cooling and storage facilities, utility substations, and other associated utility infrastructure to support operations.

1) Submittal Requirements:

- a) A narrative describing the proposed data processing facility including an overview of the project;
 - b) A site plan showing the proposed location and dimensions of all equipment, existing and proposed structures, screening, fencing, property lines, access roads, and turnout locations;
 - c) A study prepared by an acoustical engineer that describes the anticipated noise level of the facility and any proposed mitigation efforts such as sound walls, baffles, ventilation silencers, additional separation from surrounding uses, etc.;
- 2) All roads shall be of sufficient width to accommodate emergency vehicle access as determined by the Polk County Fire Marshal.
 - 3) The entire perimeter of the facility shall be screened from adjoining properties by a buffer yard.
 - 4) No grid-connected data processing system shall be installed until evidence has been provided by the operator that installation of the system has been approved by the electrical utility provider. Off-grid systems shall be exempt from this requirement.
 - 5) Security fencing, a minimum of eight (8) feet in height, shall be provided along the entire perimeter of the facility.
 - 6) No signage shall be permitted on the perimeter fence, with the exception of one (1) sign not to exceed thirty-two (32) square feet that displays the name, address, and emergency contact information of the facility as well as appropriate warning signs.
 - 7) The facility shall not impose a negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants.

8) All exterior lighting shall be designed and constructed with cutoff and fully shielded fixtures that direct light downward and into the interior of the property and away from adjacent roads and adjacent properties.

9) It is the responsibility of the owner to notify Polk County and to remove all obsolete or unused systems. Any structure or equipment associated with the facility that is not operated for a continuous period of three hundred sixty-five (365) days shall be considered abandoned. The County may require the owner to remove such structures and equipment within ninety (90) days after notice from the County. If the abandoned structure or equipment is not removed within ninety (90) days, the County may remove it and recover its costs from the owner. If the owner of the abandoned structure or equipment cannot be located or is no longer in business, the requirements of this section shall be the responsibility of the landowner on whose property the structure or equipment is located.

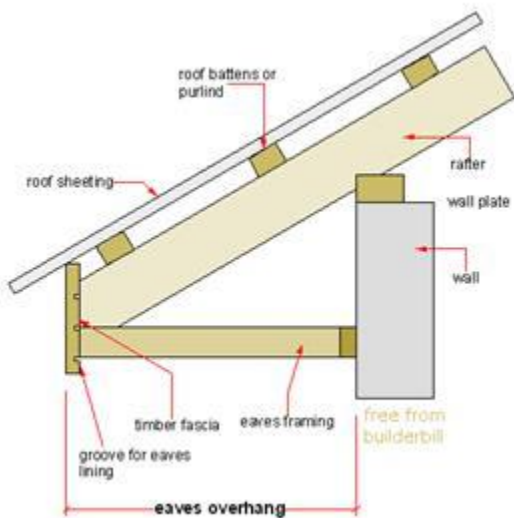
Day Care Facility. A place that provides for the care of children or adults. Those receiving care do not reside in the facility, are present primarily during daytime hours, do not regularly stay overnight, are not all related to each other by blood or marriage and are not legal wards or foster children of those providing care.

Dormitory. A space in a building where group sleeping accommodations are provided in one room, or in a series of closely associated rooms, for persons not members of the same family group, under joint occupancy and single management, as in college dormitories or fraternity houses.

Duplex. A single building consisting of two separate dwelling units (other than a two-family dwelling including accessory apartment), providing the two dwelling units are not simply attached by an unenclosed passageway (e.g., covered walkway).^{xxv}

Dwelling Unit. A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.^{xxv}

Eaves.^{xv} The projecting overhangs at the lower edge of the roof, located at the bottom of the fascia; not including dormers, chimneys or ornamental features (non-habitable).



Equestrian centers & facilities, multi-discipline. A building or group of building, structures, place, area or other facilities providing uses and services necessary or incidental to horsemanship/horse activities, shows, events, races, competitions, auctions, stabling (whether permanent structures or temporary or semi-permanent

structures, such as tents); care and upkeep, including, but not limited to, Hunter, Jumper, Polo, Dressage, Cross Country, Western, Driving, Fox Hunting, Breed Shows, Young Horses, and endurance events.

Equestrian Village Development.^{xiv} A group of two or more buildings built in a mixed-use village or resort format, either incorporating or located within one thousand feet of the main arena of a bona fide Equestrian center & facility, multi-discipline use. The Equestrian Village Development must be upon an area of land that includes not less than twenty-five (25) acres; that has direct and immediate access to a State road; that has both public water and public sewer service; that has multifamily residential units constituting a minimum of 20% of the total units in the area; and that has Open Space dedicated on a recorded site specific plan constituting a minimum of 15% of its total area.

Events, shows & festivals. A building or group of buildings, structures, place, area or other facilities providing or facilitating uses and services necessary or incidental to any fair, festival, show, event, concert, performance, auction, pageant or similar activity where patrons are admitted to enjoy, engage or participate in entertainment or competitions.

Event venues. [A facility that is leased or operated for special events that are typically private in nature, including but not limited to weddings, reunions, retreats, and organized gatherings.](#)

Family. Any number of individuals living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding or rooming house or hotel.

Food trucks. [Establishments that sell food and may include drive-in or drive-up facilities for ordering.](#)

Funeral homes. [An establishment where the dead are prepared for burial or cremation and/or visitations.](#)

Golf Courses & Country Clubs. Land, buildings, and related facilities owned or operated by a for-profit or nonprofit corporation, association, or group of individuals or a municipality, operated for the social and/or recreational sports use of its public or private membership.

Group Development. A group of two (2) or more principal buildings built on a plot of land not less than two (2) acres not subdivided into the customary streets and lots and which will not be subdivided. Examples would be: row houses, apartment courts, housing projects, school and hospital campuses, shopping centers and industrial parks.

Guest House. A separate and complete dwelling unit located on the same lot as the structure of a single-family dwelling but not intended for year-around use.

Heliport, public or private. A building, place, area, structure, or other facilities, private or open to the public, designed or used for any or all phases of operation of helicopters, such as take-off, landing, taxiing, terminal operation, loading, unloading, hangar storage, maintenance, repair, and service thereof.

Hospitals & Clinics. Institutions designed for the diagnosis, treatment and care of human illness or infirmity and providing health services, primarily for inpatients and including as related facilities, laboratories, outpatient departments, training facilities and staff offices.

Internet cafes. [See Arcades.](#)

Kennels. Any premises, except where accessory to an agricultural use, where domestic animals, such as dogs and cats, are boarded, trained, or bred.

Laundry & Dry Cleaning Services. A dry cleaning, self-service laundry and/or laundry establishment which may have a pick-up and drop-off window for customer service and provided the operation and all chemicals related thereto shall be in compliance with all applicable standards and requirements of the Environmental Protection Agency (EPA) and all other applicable agencies.

Law Enforcement Center. ^{xvi} Law enforcement administration, training and detention facility.

Libraries, Public or Private. Facilities or buildings where literary, musical, artistic, or reference materials are kept for public or private reference use.

Lot. A parcel of land occupied or capable of being occupied by a building or group of buildings devoted to a common use, together with the customary accessories and open spaces belonging to the same.

Lot of record. A lot which is a part of a subdivision, a plat of which has been recorded in the office of the Register of Deeds of Polk County, North Carolina, or a lot described by metes and bounds, the description of which has been so recorded.

Lot width. The distance between side lot lines measured at the building line.

Major Subdivision. Major Subdivision shall have the same meaning, and shall be defined, as set forth in the Subdivision Ordinance of Polk County as now adopted or as may be hereafter amended.

Manufactured home (Mobile home). A structure, transportable in one or more sections, which in the traveling mode is eight body feet or more in width, or 40 body feet or more in length, or, when erected on site, is 320 or more square feet; and which is built on a permanent chassis and designed to be used as a dwelling, with or without permanent foundation when connected to the required utilities, including the plumbing, heating, air conditioning and electrical systems contained therein.

For manufactured homes built before June 15, 1976, "manufactured home" means a portable manufactured housing unit designed for transportation on its own chassis and placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over ~~eight~~ eight feet in width. "Manufactured home" also means a double-wide manufactured home, which is two or more portable manufactured housing units designed for transportation on their own chassis that connect on site for placement on a temporary or semipermanent foundation having a measurement of over 32 feet in length and over eight feet in width. ^{xxv}

Manufacturing. Any manufacturing other than light manufacturing as defined herein.

Manufacturing, Light. The manufacturing, compounding, processing, assembling, packaging or testing of goods or equipment, including research activities, conducted entirely within an enclosed structure, with no outside storage, serviced by a modest volume of trucks or vans and imposing a negligible impact on the surrounding environment by noise, vibration, smoke, dust or pollutants. (International Zoning Code ICC 2003)

Mobile home. See *Manufactured home*. ^{xxv}

~~**Mobile home, accessory.** A mobile home, as defined herein, intended to be situated on a lot with an existing single-family home pursuant to a Special Use Permit (MHO)⁺.~~

Mobile Home Park. A parcel or contiguous parcels of land which have been so designated and improved that it contains four (4) or more manufactured or mobile home lots available to the general public for placement thereon of manufactured or mobile homes for occupancy.

Modular Home. Single-family, detached housing of which the principal structural components are prefabricated off-site and in conformity with the North Carolina Residential Code IRC, and shall include structures commonly known as modular homes. As used in this Zoning Ordinance, regulations and provisions regarding “modular homes” only apply to single-family residences and do not restrict or regulate the construction of buildings for commercial, multifamily residential, or other uses^{xiv}.

Motels & Hotels. Any buildings or portions thereof containing ten or more lodging units, with or without separate restaurant facilities, primarily for transients, including hotels, tourist cabins and tourist courts, but not including bed and breakfast inns as defined herein.

Multifamily Residences. Buildings or portion thereof designed for occupancy by three or more families living independently in which they may or may not share common entrances and/or other spaces. Individual dwelling units may be owned as condominiums, or offered for rent.

Museum. A building or group of buildings, structures, place, area or other facilities operated as an institution for the acquisition, preservation, study and/or exhibition of works, materials or data of artistic, scientific and/or historical value.

Nature-Oriented Non-Motorized Outdoor Recreation.^{vi} Recreational uses of land conducted outside of a building, characterized by moderate impacts on the natural environment. Such uses may be for-profit, not-for-profit or provided by a governmental entity and may be composed of a place, structure, area, or facility providing nature-oriented non-motorized recreational activities generally open to the public and designed to accommodate and serve significant segments of the community. Examples of nature-oriented non-motorized outdoor recreational activities include, but are not limited to, hiking, noise-suppressed zip-lining, canoeing, kayaking, mountain biking, horseback-riding and orienteering.

Nonconforming lot. A lot existing at the establishment or revision of this Ordinance (and not created for the purposes of evading the restrictions of this Ordinance) that does not meet the minimum area requirements of the district in which the lot is located.

Nonconforming use. A structure or land lawfully occupied by an existing use which does not conform with the permitted uses for the zoning district in which it is situated, either at the effective date of this ordinance or as a result of subsequent amendments to this ordinance. This term also refers to the activity that constitutes the use made of the property.

Nonconforming situation. A situation that occurs when, at the establishment or revision of this Ordinance, an existing lot or structure or use of an existing lot or structure does not conform to one or more of the regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot does not meet minimum acreage requirements, because structures exceed maximum height limitations, because the relationship between existing buildings and land (in such matters as density and setback requirements) is not in conformity with this Ordinance, or because land or buildings are used for purposes made unlawful by the Ordinance.

Nursery, Landscape Business, & Greenhouse. A nursery is a place where plants are propagated and grown to usable size. They can be retail nurseries which sell to the general public, wholesale nurseries which sell only to other nurseries and to commercial landscape gardeners and private nurseries which supply the needs of institutions or private estates.

A greenhouse is a permanent structure, designed to protect plants. This structure may or may not have a permanent heating system installed in it. For the purposes of this Ordinance, cold frames (temporary structures covered with plastic or other materials, supported by metal pipes) are included in this definition.

Landscaping is the business of improving the appearance of a piece of land by planting flora or altering the contours of the ground.

Offices, Business, Medical, Professional, & Public buildings including banks. Land, buildings, and other facilities used by establishments primarily engaged in providing goods or services to business establishments or individuals on a contract or fee basis.

Open Space.^{xiv} Areas having a predominantly pervious land surface providing spaces for landscaping and other visual enhancements, pedestrian circulation, waterways and water features, and wildlife habitat. Open space does not include automobile roadways, parking lots, paved service and maintenance areas, and buildings. Amenities and trails (whether pervious or impervious) accommodating pedestrians, bikes, golf carts and other low-speed vehicles, and horseback traffic are permitted in open spaces.

Parking space. A storage space of not less than one hundred sixty two (162') square feet for one (1) automobile plus the necessary access space. It shall always be located outside the dedicated street or highway right-of-way.

Planning board. The Polk County Planning Board.

Printing, Publishing, & Engraving Establishments. Establishments primarily engaged in rendering services to business establishments or individuals on a contract or fee basis such as, but not limited to, engraving, advertising, mailing, photocopying, duplicating, and providing business signs and plaques.

Public sewage system. A common sewer directly controlled by a public authority.^{xxv}

Public Safety Facilities. Buildings and facilities used in providing public safety services such as police, fire, ambulance, and emergency services.

Public water supply system.

- a. A system for the provision, to the public, of piped water for human consumption if such system has at least fifteen (15) service connections or regularly serves an average of at least twenty-five (25) individuals daily at least sixty (60) days out of the year. Such term includes:
 1. any collection, treatment, storage, and distribution facility under control of the operator of such system and used primarily in connection with such system; and
 2. any collection or pre-treatment storage facility not under such control which is used primarily in connection with such system.
- b. A public water system is either a “community water system” or a “non-community water system”:
 1. “Community water system” means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

2. “Non-community water system” means a public water system which is not a community water system.

Quarantine Facility. A facility at which animals regulated by local, state, or federal agencies are restricted and tested prior to being permitted to enter into the general population.

Radio & TV Stations & Studios. Land, buildings, and equipment used for the production, transmittal, or reception of signals or programming over the airwaves as a commercial or public service, including, without limitation, telephonic, radio, television, or cable television. For purposes of this ordinance, the term shall not include a non-commercial individual use such as residential television antennas, satellite dishes, or ham radio antennas, or a commercial use that is purely incidental to other business activities of the owner. The facilities may include a tower, pole, or similar structure which supports or incorporates, or is intended to support or incorporate, one or antennas operated for commercial or public purposes above ground, whether freestanding, guyed, or affixed to a building. *Refer to Wireless Telecommunications Ordinance, if applicable. ^{xxv}

Recreation Facilities, Centers, For Profit. A place, structure, area, or other facilities operated ~~for profit~~ and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

~~**Recreation Facilities, Not for Profit.** A place, structure, area, or other facilities not operated for profit and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.~~

Recreational Vehicle. A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are travel trailer, camping trailer, truck camper, motor home, recreational park trailer and park trailer (park models).

Recreational Vehicle (RV) Park and/or Camp Areas. An establishment primarily engaged in operating sites to accommodate camping (tent and/or cabin), park model homes and/or recreational vehicles. These establishments may provide access to facilities, such as laundry rooms, recreational halls, playgrounds, stores and snack bars. An RV park will generally contain two (2) or more park model homes or recreational vehicles.

Residential Vacation Rental (Tourist Homes). ^{xii} The rental of any single-family dwelling, duplex, guest house, timeshare, accessory/garage apartment or multi-family or any portion thereof, for occupancy, dwelling, lodging or sleeping purposes for any period of time less than 90 days. The term does not include other transient lodging such as hotels and motels, and bed & breakfast establishments, which are otherwise authorized under these regulations.

Exceptions. The following activities and / or uses shall not be deemed residential vacation rentals and the requirements of this section shall not apply to them.

- Incidental residential vacation rentals, defined to mean no more than two such rentals in any calendar year where the total annual rental period for both rentals does not exceed two weeks provided no advertisement of the availability of unit.

Restaurants, Excluding Fast Food & Drive-Through Services. Establishments that sell food not already prepared for consumption on or off the premises and do not include drive-in or drive-up facilities for ordering.

Restaurants, Including Fast Food & Drive-Through Services. Establishments that sell food already prepared for consumption, packaged in paper, Styrofoam or similar materials, and may include drive-in or drive-up facilities for ordering.

Rest & Convalescent Homes, ~~Sanitariums~~. Facilities for the care of the aged and infirm whose principal need is a home with such sheltered and custodial care as their age and infirmities require. Medical care is only occasional, such as may be required in the home of any individual.

Retail Trade, Commercial Services, Sales, & Rental of Merchandise & Equipment. Establishments engaged in selling or renting goods, merchandise, or services to the general public or businesses for personal, household, or commercial consumption. The establishments may also render services incidental to the sale of such goods. The establishment may process some of the products which it sells so long as such is processing incidental to such retail sales. The term shall not be deemed to include establishments in which the sale of goods or merchandise is incidental to another use, such as junk yards and wrecking yards as defined by NCGS 136-143.

Retail Business Customarily Servicing Residential Neighborhoods & Conducted within an Enclosed Building. Establishments engaged in selling goods, merchandise, or services to the general public for personal or household consumption. The establishments may also render services incidental to the sale of such goods. The establishment may process some of the products which it sells so long as such is processing incidental to such retail sales. The term shall not be deemed to include establishments in which the sale of goods or merchandise is incidental to another use, such as junk yards and wrecking yards as defined by NCGS 136-143.

Right of way (Easement). A grant by the property owner of a strip of land for a specified purpose and use by the public, a corporation, or persons, including access easements. For the purposes of this ordinance, right of way is included in the measurement of setbacks on federal, state, county, and municipal roads only. ^{xxv}

Roadside Stands Selling Home-Grown Products. A business establishment selling primarily home-grown or home manufactured products, operated next to a dedicated public or private right-of-way for vehicular traffic which affords the principal means of access to abutting property.

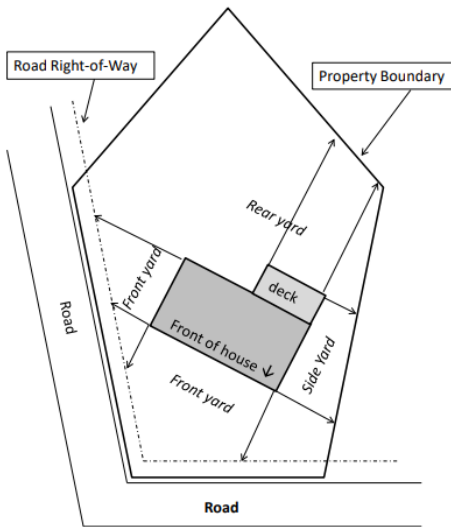
Sawmill. A facility in which logs are converted to lumber by running them through a saw.

Schools, Public or Private. Land, buildings, and facilities operated by publicly or privately elected or appointed school officials in which the complete educational curriculum program and activities are under the control of these officials and which is supported primarily by public or private funds.

School; Vocational Schools, Business Schools, & Special Schools. ^{xvii, xxvi} Land, buildings, and facilities that do not offer a complete educational curriculum.

Service Station. An establishment where flammable or combustible liquids or gases used as fuel are stored and dispensed from fixed equipment into the fuel tanks of motor vehicles. Such an establishment shall be permitted to offer for sale at retail other convenience items as a clearly secondary activity and shall be permitted also to include a free-standing automatic car wash.

Setback. A continuous strip of land, measured perpendicular from the plane of the building out to the closest property line or road right-of-way. ^{xxv}



Shooting range – indoor. An area totally enclosed designed and operated for the use of rifles, shotguns, pistols, silhouettes, ~~skeet, trap, black powder~~, or any other similar sport shooting. This includes any such area owned and/or operated by an entity which requires membership dues to be a member, or which requires any remuneration (including “donations”) in exchange for access to the area.

Shooting range – outdoor. An area outdoor designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting. This includes any such area owned and/or operated by an entity which requires membership dues to be a member, or which requires any remuneration (including “donations”) in exchange for access to the area. Private shooting that does not meet the above standards for commercial shooting ranges shall be allowed by right without a zoning permit.

Single family residence. A building or portion thereof providing complete living facilities for a family. The term “single family residence” shall not be deemed to include a motel, hotel, tourist home, mobile home, manufactured home, modular home or structure designed or, in fact, used for transient residence. A single family residence may also consist of another dwelling unit, such as an accessory apartment or garage apartment, provided the floor area of the accessory unit does not exceed forty percent of the floor area of the single-family dwelling unit, and further provided the accessory unit’s exterior design and entry locations preserve the appearance of the single-family dwelling unit.

Single family residence (Multiple Use District Only). A building or portion thereof providing complete living facilities for a family. The term “single family residence” shall not be deemed to include a motel, hotel, tourist home, mobile home, manufactured home, modular home or structure designed or, in fact, used for transient residence.

Solar Energy Generating Facility.^{xii} A solar electrical energy generating facility that is not an accessory solar energy device. The energy beneficiary(ies) shall not be located on the energy facility site. A *Solar Energy Generating Facility, Minor* tract shall not exceed twenty acres. A *Solar Energy Generating Facility, Major* tract shall measure more than twenty acres but shall not exceed fifty acres.

Special Use Permit. A permit issued to authorize development or land uses in a particular zoning district upon presentation of competent, material, and substantial evidence establishing compliance with one or more general standards requiring that judgment and discretion be exercised as well as compliance with specific

standards. This definition includes permits previously referred to as “conditional use permits” or “special exceptions.”^{xxv}

Spectator Sport Facility (500 or More Spectators). An indoor or outdoor place, structure, area, arena, or other facility used for providing spectator seating, sanitation facilities, food, or parking for 500 or more sports spectators.

Spectator Sport Facility (Less than 500 Spectators). An indoor or outdoor place, structure, area, arena, or other facility used for providing spectator seating, sanitation facilities, food, or parking for 500 or less sports spectators.

Stable, ~~Private~~. A ~~privately owned building in which livestock is kept. It most commonly means a building~~ that is divided into separate stalls for individual animals.

Storage & Warehouse Facility. Structures or premises in which goods, merchandise or equipment are stored for eventual use or distribution.

Street or road. A dedicated and accepted public right-of-way for vehicular traffic which affords the means of access to abutting properties.

Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground or which is attached to something having more or less permanent locations on the ground, excluding a conventional rail, plank, board, picket or wire fence so long as it is not located within the public or maintenance right of way of any road.

Subdivision. Subdivision shall all have the same meaning, and shall be defined, as set forth in the Subdivision Ordinance of Polk County as now adopted or as may be hereafter amended.

Theater. An indoor or outdoor facility used primarily for the presentation of live stage productions, performances or motion pictures.

Timeshare. A type or form of ownership of real property in which multiple parties hold rights to use and occupy certain real property, and each user is allotted a period of time in which they may use and occupy the subject property and as further defined in Article 4 of Chapter 93A of the North Carolina General Statutes which is incorporated herein by reference as if fully set forth herein.

Tower. A tower, pole, or similar structure, exceeding 20 feet in height, which supports or incorporates, or is intended to support or incorporate, one or more private, commercial or public sign, antenna, light, or other item above ground, whether freestanding, guyed, or affixed to a building. The term shall include mobile towers. *Refer to Wireless Telecommunications Ordinance.^{xxv}

Truck Terminal. A building or area where cargo is loaded to and discharged from trucks.

Utility Buildings and Facilities, Public. A structure or facility used by a public or quasi-public utility agency to store, distribute, generate electricity, gas, telecommunications, and related equipment, or to pump or chemically treat water. This does not include storage or treatment of sewage, solid waste or hazardous waste.

Veterans' Affairs Office. A building or structure, or portion thereof, whose purpose is to assist veterans and their families in the presentation and processing of claims as they may be entitled to under Federal, State or local laws, and otherwise assist veterans.

Veterinarian Clinics, Animal Shelters. Veterinarian clinics are facilities where professionals skilled in diseases and care of animals and/or reptiles provide outpatient or inpatient care of chronically ill animals or reptiles. Animal shelters are private, governmental or nonprofit organization facilities devoted to the welfare, protection and humane treatment of animals. The boarding of animals is an incidental use in such facilities.

[Video games. See Arcades.](#)

Waste Handling, Treatment, Processing, Management or Disposal Facility. Includes, but is not limited to, Sanitary Landfill, Municipal Solid Waste Sanitary Landfill, Construction/Demolition Landfill, Dump, Open Dump, Waste Incineration Facility, Hazardous Waste Landfill or Processing Facility, Radioactive Waste Processing or Disposal Facility, Medical Waste Processing or Disposal Facility, Waste Transfer Facility, State Regulated Compost Facility, Industrial Process Waste Landfill or Processing Facility, Industrial Solid Waste Facility, Waste Treatment and/or Processing Facility and Septage Management Facility (not including state approved land application sites), [and Junkyards \(see Junkyard Ordinance for additional requirements\)](#). Reference shall be made to the North Carolina General Statutes and to the North Carolina Administrative Code for further definition of each of the foregoing. (Exempts Polk County Government from these restrictions when operating a facility for the citizens of Polk County). [This definition does not include Animal Processing Facilities.](#)

Wholesale Sales, Retail Sales, & Supply Houses. Establishments engaged in retail sales of goods or merchandise directly to the general public for personal or household consumption or to retailers for resale to the general public and rendering services incidental to the sale of such goods. Such an establishment may process some of the products which it sells so long as such is processing incidental to such retail or wholesale sales.

Article XIII. Legal Status Provisions.

Section 13.1 Validity.

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 13.2 Conflict with other laws.

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the health, safety, morals or general welfare of Polk County. Where the provisions of any other statute or local ordinance are in conflict, the more restrictive or that imposing the higher standards shall govern.

Section 13.3 Effective date.

This ordinance, and any amendment to it, shall take effect and be in force from and after its adoption by the Board of County Commissioners of Polk County, North Carolina.

Effective date of this ordinance shall be day of July 18, 2022; Adopted this day of July 18, 2022.

Chairman of the Board of Commissioners

ATTEST:

Approved as to content & form:

Clerk to the Board of Commissioners

County Attorney

~~Adopted 02-Aug-99; amended 03-Dec-01; 04-Nov-02; 02-Dec-02; 19-Jun-06, 16-Oct-06, 19-Feb-07, 24-May-07, 10-Sep-07, 31-Jan-08; 16-Aug-10; 03-Oct-11; 10-Sep-12; 15-Oct-12; 22-Apr-13; 5-Aug-13; 21-Oct-13;~~

~~i Creating the MHO Mobile Home Overlay zoning classification; establishing standards 10.20.09~~

ii Replacing the use classification and definition of Child Care Facilities with Day Care Facility 8.31.09

iii Creating a new use classification of Veterans' Affairs Office 8.31.09

iv An Ordinance Amending the Zoning Ordinance of Polk County 8.16.10

v An Ordinance Concerning Zoning Administration and Enforcement. 10.3.11

vi An Ordinance Concerning Nature-Oriented Non-Motorized Outdoor Recreation 9.10.12

vii An Ordinance Concerning Solar Energy Generating Facilities 10.15.12

viii An Ordinance Establishing a New Zoning District Equestrian 4.22.13

ix An Ordinance Concerning Customary Home Occupation Class II and Residential Vacation Rentals 8.5.13

x An Amendment to Clarify and Modernize Zoning Ordinance Regarding Board of Adjustment 10.21.13

xi An Amendment to Define Parking Requirements for Customary Home Occupation Class I & II.2.3.14

xii An Amendment to Enlarge Equestrian District & Expanding Uses, Redefining Tourist Home, Parking.2.3.14

xiii An Amendment Concerning Accessory Dwelling Units; Authorize Dwelling Units in MU 4.20.15

xiv An Amendment Establishing Equestrian Village District, Amending Ordinance & Rezoning Map 11.16.15

xv An Amendment Concerning Bona Fide Farms, Recreational Vehicles & Eaves 2.8.16

xvi An Ordinance Establishing the Polk County Government and Public Facilities Zoning District 7.18.16

xvii An Ordinance Concerning Schools; Vocational Schools, Business Schools & Special Schools in RE1 10.3.16

xviii An Ordinance Rezoning Certain Areas EV 12.5.16

xix Zoning Ordinance Update 10.16.17

xx Shared Parking 12.18.17

xxi Agricultural Building 4.16.18

xxii E/EV Vet Clinics, Quarantine Facilities, Church, Schools & Map Amendment 4.16.18

xxiii Board of Adjustment Alternates; Building Height 2.4.19

xxiv Tower10.7.19

xxv 160D update.CU to SU.6.21.2021

xxvi Schools.7.18.2022

Appendix

► Land uses not specifically addressed in this ordinance shall apply the standards for a land use that is listed in this ordinance most closely related to proposed use and impacts.

P = Permitted P* = Permitted with conditions C = Allowed as a Conditional Use Blank Space = Not Permitted	Examples of Uses (examples of some uses in Permitted Use Table, see Article VI)
Accessory buildings	Residential Garage (no living quarters) Pool House (no living quarters) Storage Shed Hobby workshop
Accessory dwelling unit	Pool House Apartment Garage Apartment Accessory SFR/MH Basement Apartment Apartment with separate entrance Barn Apartment
Agricultural building	Shed for equipment Silos Cold Storages Run-in shed Hay & Feed Storage Barns
Automobile, truck, & farm, implement sales & service	Farm Equipment Sales Vehicle Sales Vehicle services (alignment, auto body, auto paint, auto upholstery, towing service, auto detailing, battery Sales and installation, auto repair, brake repair, tire Sales and mounting)
Church, synagogue, temple, or other religious buildings	Church Synagogue Temple Place of Worship
Clubs, public or private	Kiwanis Club Rotary Club Lions Club 4-H Youth Club Bridge Club
Data processing facilities	Data processing Data mining

P = Permitted P* = Permitted with conditions C = Allowed as a Conditional Use Blank Space = Not Permitted	Examples of Uses (examples of some uses in Permitted Use Table, see Article VI)
Day care facility	In-Home Daycare Child Care Center Nursery School Preschool Adult Daycare
Hospitals & clinics	Blood/Plasma Donation Center Dialysis Center Rehabilitation Clinic Medical Center Medical Clinic Medical Laboratory Hospital Urgent Care/Emergency Medical Treatment Center
Kennels	Kennels Pet Daycares Overnight Pet Boarding
Motel, Hotels, Boarding Houses, & Dormitories	Motel Hotel Boarding House Dormitory Hostel Inn
Multifamily residences	Apartment Complex Condominiums Triplex Quadplex Townhomes
Offices, business, medical, professional & public including banks	Advertising Business Management Chiropractor Consulting Dental Financial Business Collection Agency Real Estate Insurance Medical Professional Services (Lawyer, accountant, bookkeeper, engineer, architect, sales office, travel agency, business incubator)

P = Permitted P* = Permitted with conditions C = Allowed as a Conditional Use Blank Space = Not Permitted	Examples of Uses (examples of some uses in Permitted Use Table, see Article VI)
Offices pertaining to permitted use	
Outdoor Recreation, Motorized	Go Cart Race Car Motorcycle/Dirt Bike ATV
Outdoor Recreation, Nature-Oriented Non-Motorized	Hiking Noise-Suppressed Zip-Lining Canoeing Kayaking Mountain Biking Horseback Riding Orienteering Tubing Parks Playgrounds Nature Centers Equestrian Courses/Trails Walking Trails Non-Profit Gyms Memorial Gardens
Recreational Vehicle (RV)	RV Park Model RV 5th Wheels Motorhomes Campers Pop-ups
Recreational Facilities, Centers	Bowling Alleys Skating Rinks Gymnasiums Health Clubs Climbing/Jumping Gyms
Recreational Vehicle (RV) & Park and/or Camp Areas	RV Park Tent Sites Cabin Camping Treehouse Camping Yurt Camping Park model Homes Sites
Rest & convalescent homes	Nursing Home Assisted Care Facility Senior Home

P = Permitted P* = Permitted with conditions C = Allowed as a Conditional Use Blank Space = Not Permitted	Examples of Uses (examples of some uses in Permitted Use Table, see Article VI)
Retail trade, commercial services, sales and rental	Stores: Antiques, Appliances, Art Supplies, Baked Goods, Bicycles, Books, Cameras, Floor Coverings, Crafts, Clothing, Computers, Dry Goods, Electronics, Flowers, Furniture, Garden Supplies, Gifts, Groceries, Hardware, Home Improvement, Household Products, Jewelry, Medical Supplies, Musical Instruments, Online Sales, Nail Salon, Pets, Pet Supplies, Pharmaceuticals, Photo Finishing, Picture Frames, Plans, Printed Materials, Produce, Repographics, Sporting Goods, Stationery, Vehicle Parts, Farmers Market Services: Hair Salon, Tailor, Appliance/Computer Repair, Shoe Repair, Locksmith, Tattoos, Massages, Construction Contractors
Storage & warehousing	Self-Storage Warehouses Bulk Storage, including nonflammable liquids, feed and grain storage, cold storage plants, including frozen food lockers, household moving and general freight storage, separate warehouse used by retail store such as furniture or appliance store Bus Barn Outdoor Storage Yard Parcel Services Stockpiling of sand, gravel, or other aggregate materials Transfer and storage business where there are no individual storage areas or where employees are the primary movers of goods to be stored or transferred.
Theaters	Movie Theatre Performing Arts Center Amphitheatre
Utility buildings and facilities, public	Electrical Substation Gas meter & Regulator Stations Phone Exchange

P = Permitted P* = Permitted with conditions C = Allowed as a Conditional Use Blank Space = Not Permitted	Examples of Uses (examples of some uses in Permitted Use Table, see Article VI)
Waste Handling, Treatment, Processing, Management or Disposal Facility	Sanitary Landfill Dump Open Dump Waste Incineration Facility Hazardous Waste Landfill Processing Facility Radioactive Waste Processing or Disposal Facility Medical Waste Processing or Disposal Facility Waste Transfer Facility State Regulated Compost Facility Industrial Process Waste Landfill or Processing Facility Waste Treatment and/or Processing Facility Septage Management Facility
Wholesale sales, retail sales & supply houses	Wholesale sales of animals, animal products, agricultural chemicals, pesticides or fertilizers, chemicals and allied products, grain and field beans, livestock, lumber and other construction materials, construction and mining machinery, farm and garden machinery, minerals, petroleum and petroleum products, resins restaurant equipment, store fixtures, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, food, clothing, auto parts

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

August 21, 2023 Regular Meeting

Agenda Item#: 10.

ATTACHMENTS:

Description	Type	Upload Date
Public Notice	Cover Memo	8/15/2023
Surplus Propoerty P 116-123	Cover Memo	8/15/2023

Suggested Motion:

Motion to accept the bid in the amount of \$13,100.

PUBLIC NOTICE
SALE OF COUNTY PROPERTY

An offer of \$13,100 has been submitted for the purchase of certain property owned by Polk County, more particularly described as follows:

Polk County Tax Pin P116-123 (Lot 39, Vista at the Riverbank) containing 1.06 acres

Persons wishing to upset the offer that has been received shall submit a written bid with their offer to the office of the County Clerk, County Managers Office, Womack Building, 40 Courthouse Street, Columbus, N.C., by 5:00 P.M., August 14, 2023. At that time, the county clerk shall open the bids, if any, and the highest qualifying bid will become the new offer. If there is more than one bid in the highest amount, the first such bid received will become the new offer.

A qualifying higher bid is one that raises the existing offer to an amount not less than \$13,855.

A qualifying higher bid must be accompanied by a deposit in the amount of five percent (5%) of the bid; the deposit may be made in cash, cashier's check, or certified check. The county will return the deposit on any bid not accepted, and will return the deposit on an offer subject to upset if a qualifying higher bid is received. The county will return the deposit of the final high bidder at closing.

The buyer must pay cash at closing.

The County Commissioners must approve the final high offer before the sale is closed, which it will do within 30 days after the final upset bid period has passed. The county reserves the right to withdraw the property from sale at any time before the final high bid is accepted and the right to reject at any time all bids.

Further information may be obtained at the office of the County Clerk, County Managers Office, Womack Building, 40 Courthouse Street, Columbus, N.C., or by telephone at 828-894-330 Ext. 239 during normal business hours.

POLK COUNTY SURPLUS REAL PROPERTY

PARCEL	CASE/ACCT	PHYSICAL LOCATION	ACRES	TAX VALUE	STATUS	Attorney Costs	DOC PREP	Tax Amount	*ESTIMATED OPENING BID	SUBMIT BID
P116-123	3745	RAMBLING CREEK ROAD LOT 39	1.06	15,210	AVAILABLE FOR BID	2,723.22	250.00	10,048.12	\$ 13,021.34	\$13,100.00

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

August 21, 2023 Regular Meeting

Agenda Item#: 11.

ATTACHMENTS:

Description	Type	Upload Date
Budget Amendment	Cover Memo	8/15/2023

Suggested Motion:

Motion to participate in the project and approve the budget amendment in the amount of \$68,650.

POLK COUNTY FINANCE

BUDGET AMENDMENT: GENERAL FUND BALANCE

DATE: 8/21/2023 BOC Meeting

Dept.: Governing Body

BATCH #: _____ LINE _____

Amendment # : 2-F Fund balance

INCREASE EXPENSE

GL ACCOUNT #		
10-4110-5800-0	Capital Imp.	\$ 68,650
	non-deprn	
		<u>68,650</u>

INCREASE FUND BALANCE APPROPRIATED

GL ACCOUNT #		
10-3991-0000	Fund Balance Approp	\$ (68,650)
		<u>(68,650)</u>

EXPLANATION: To appropriate fund balance to assist with paving at Harmon Field

Date approved & entered into the BOC minutes

COUNTY MANAGER

FINANCE OFFICER

POLK COUNTY BOARD OF COMMISSIONERS

AGENDA ITEM

August 21, 2023 Regular Meeting

Agenda Item#: 12.

ATTACHMENTS:

Description

Type

Upload Date

Progress Report

Cover Memo

8/15/2023

GREAT GRANT PROGRAM (FEDERALLY FUNDED)

Grantee Construction Period

Progress Report Form

This report will be publicly posted. In addition to public posting, this report may be shared with the U.S. Department of Treasury, other federal or state agencies/departments/legislators, and/or local governments. The grantee shall make every attempt to complete this report without inclusion of confidential or proprietary information. If inclusion of confidential or proprietary information is necessary, the grantee must clearly identify what information is confidential and provide a redacted report in a separate document.

SECTION A - PROJECT INFORMATION

A.1. Grantee Name: Spectrum Southeast

A.2. Project Contact Completing this Form: Joe Prater **A.3. Title:** Dir. State Govt Affairs

A.4. Primary Phone: 919-882-4715 **A.5. Email:** joe.prater@charter.com

A.6. Reporting Period

A.6.1. 04-01-2023
From: _____
(date)

A.6.2. To: 06-30-2023
(date)

Contract Information

A.7. Grant Agreement#: 2000066940

A.8. Project Title: 2022 NC Great

A.9. Project County: Polk

A.10. Technology Type: Fiber

UPLOAD PROGRESS REPORTS TO
EBS.NC.GOV

SECTION B - PROJECT UPDATES

Please provide progress updates on the categories below.

B.1. Design/Engineering:

Please provide a *rough* estimate of how much of the design/engineering work has been completed for the total project by checking one of the options below. Note any significant updates or challenges with the design/engineering work planned under this project.

- ☒ Less than 25% complete
- ☐ 25-75% complete
- ☐ 75-99.9% complete
- ☐ 100% complete

Significant updates and/or challenges, if any:

Initial route walkouts are 97% complete, field verification survey that will determine the final designs have not begun.

B.2. Securing Assets:

Please list of any of the following items (including but not limited to the source, agency, or department) anticipated as necessary to complete this project and a brief update (such as "pending submission," "submitted on [date], pending approval," or "approved") on any progress securing these items: rights-of-way; easements; other land; access to poles and completion of make-ready work. Note any challenges you are having that may significantly impact your project design.

RESPONSE:

Not Started - will take place after field survey verifies fiber route

B.3. Materials/Supplies:

Please provide an update on the status of materials/supplies being purchased for the project. Note any anticipated significant challenges or delays in this process.

RESPONSE:

Not Started - material orders will take place after design is final

B.4. Staffing/Contractors:

Please provide an update on progress with staffing/labor for the project. Note any significant updates or challenges in this area. Please note whether design/engineering and construction labor is primarily in-house or contractors by selecting the relevant bullet point.

Staffing/labor update or challenges:

All staff and contractors are in place

Design/Engineering:

- ☒ Primarily In-House Staff
- ☐ Primarily Contractors
- ☐ Both

Construction/Installation:

- ☐ Primarily In-House Staff
- ☒ Primarily Contractors

- ____ Both

B.5. Construction:

Please provide miles of fiber installed to date as specified below.

	Number of Miles
B.5.1. Length of aerial distribution cable	
B.5.2. Length of buried distribution cable	
B.5.3. Length of aerial Middle Mile* cable	
B.5.4. Length of buried Middle Mile* cable	

***Middle Mile Cable: Must facilitate last-mile service towards specific end-users. Eligible projects do not include middle mile, backhaul, and other similar projects not directed at broadband service to end users.**

B.6. Project Expenditures:

Provide the total expenditures for all eligible expenditures as identified in Exhibit B of the grant agreement for the reporting period and cumulative to date. Provide any justifications for expenditures in excess, or reasonably anticipated to be in excess, of budget amounts.

B.6.1. Project Expense Category	B.6.2. Total Project Budget Amount	B.6.3. Total Expenditures for Reporting Period	B.6.4. Total Expenditures Cumulative to Date
Easements	0.00		
Materials	3,537,229		
Construction/Installation	5,459,501		
Testing	0.00		
Engineering	206,775		
Lease/Collocations Fees (one-time fees)	0.00		
Other (add as needed)	2,880,691		

B.6.5. Justification:

SECTION C - OTHER

C.1. Note any other significant items in relation to successful completion of this project – successes, challenges, or general progress to note, including any additional items related to construction/deployment/installations.

RESPONSE:

SECTION D - PROVISION OF SERVICE

D.1. Is service available yet from the grantee to any GREAT locations (potential subscribers) within this project?

- ☐ YES
☒ NO

If yes, please provide numbers below:

	<u>Quantity</u>
D.1.a. GREAT Households with broadband available from grantee:	
D.1.b. GREAT business locations with broadband available from grantee:	
D.1.c. GREAT Community Anchor Institution ("CAI") locations with broadband available from grantee:	

GRANTEES ARE REQUIRED TO REPORT ONLY ON GREAT GRANT LOCATIONS. DO NOT SUBMIT ADDITIONAL LOCATIONS OUTSIDE OF THE CONTRACTED GREAT GRANT AGREEMENT. IF ADDITIONAL LOCATIONS ARE INCLUDED THE REPORT WILL BE RETURNED TO THE GRANTEE.

SECTION E - FOR PROJECTS WITH TOTAL COST MORE THAN \$10 MILLION

For projects with a total cost of more than \$10M, please also complete and submit **GREAT Grant Program (Federal) Grantee Construction Period Progress Report Form Exhibit E**. Total cost means the sum of the GREAT grant award, the grantee's matching funds and any matching funds provided by a county or other third party.

Exhibit E should not be completed if the total project cost does not exceed \$10 million.

SECTION F - COMPLETION OF CONSTRUCTION/DEPLOYMENT PHASE OF PROJECT

If you have completed the entire construction/deployment phase of this GREAT grant, and made service available to all required GREAT grant locations, please indicate below:

- ☐ YES (all construction/deployment has been completed and service availability to all locations is complete.)

For grantees indicating completion of the construction/deployment phase of the project, the final report form will be provided for completion by the grantee.

The final report form will include questions around service provision, speeds available, data caps, and grantees will be required to submit address data to confirm that service is available to all locations required by the GREAT grant.

Broadband access is considered available if service can be provided to the GREAT location(s) immediately or within 10 business days upon request and without cost to the customer other than standard connection fees.

Once the final report is submitted to the NCDIT Broadband Infrastructure Office, deliverables will be verified by the office. Upon verification, grantees will move to the maintenance/monitoring period of the GREAT grant.

SECTION G - GRANTEE CERTIFICATION & ATTESTATION

Broadband Provider (ISP) Certification and Attestation



The undersigned representative of the grantee certifies that the information in this progress report is true, correct, and complete to the best of the signatory's knowledge and belief. The signatory further certifies that as authorized representative, the signatory is authorized to file this progress report.

A handwritten signature in black ink, appearing to read "Charles Agius", is written over a horizontal line.

SIGNATURE OF AUTHORIZED REPRESENTATIVE

8-11-23

Date

Charles Agius Region Vice-President, South

PRINTED NAME AND TITLE