

CURRITUCK COUNTY PLANNING BOARD
September 14, 2004

A work session was held prior to the meeting to discuss items on the agenda.

The Currituck County Planning board met in the Historic Courthouse on September 14, 2004. The following members were present: Horace Bell, William Etheridge, Eddie Hawley, Alvin Keel, Forrest Midgette, Pat Riley, Joe Kovacs, and Arthur Winter. Absent: Bobby Bell. Gary Ferguson, Planning Director, and Cheryl Eggar, Planner, were also present.

Horace Bell called the meeting to order, announced a quorum had been met, and lead the Pledge of Allegiance. None of the members disqualified themselves from voting on any of the items on the agenda.

APPROVAL OF AGENDA

Mr. Midgette motioned to approve the agenda as presented. Mr. Keel seconded the motion. Motion passed unanimously.

APPROVAL OF AUGUST 10, 2004 MINUTES

Mr. Keel motioned to approve the August 10, 2004 minutes as presented. Mr. Riley seconded the motion and the motion passed unanimously.

PB 03-39 NEW COLONY LANDING: Preliminary Plat for 19 lots located in Moyock at the intersection of Tulls Creek Road (SR 1222) and Copeland drive (SR 1267), Tax Map 39, Lots 16G and 16H, Crawford Township.

Sean Robey appeared before the board.

Ms. Eggar presented the following case analysis to the board:

At the intersection of Tulls Creek Road (SR 1222) and Copeland Drive (SR 1267), Crawford Township.

TAX ID: 0039-000-016G-0000 & 0039-000-016H-0000

ZONING DISTRICT: Residential

OWNER:
Nolton Hill
805 Puddin Ridge Road
Moyock, NC 27958

APPLICANT/AGENT
Hyman & Robey, PC
150-A US Hwy 158 East
Camden, NC 27921

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Residential & Vacant - zoned R
SOUTH: Residential & Farmland - zoned R
EAST: Residential & Farmland - zoned R
WEST: Residential & Farmland - zoned R

NARRATIVE OF REQUEST:

Nolton Hill is seeking Preliminary Plat approval for 19 single family lots. The total acreage of the entire development is approximately 20.14 acres.

This property is zoned Residential. Since the subdivision consists of less than 20 lots, no open space is required or provided. Lots within this development are proposed to range from 40,000 sq. ft. to 54,458 sq. ft.

The subdivision will have two points of entry, one from Tulls Creek Road the other from Copeland Road. The lots will require individual septic systems and the developer will be required to install a waterline and fire hydrants.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

STREETS: The proposed street will be built to NCDOT Design and Construction Standards. The developer expects the street will be dedicated to the NCDOT for maintenance.

WATER: This development will be served by County water.

FIRE: This development will be located within the Moyock Volunteer Fire Department which currently has a State ISO rating of 9.

WASTEWATER: Individual on-site septic systems are proposed. The lots have been tested and were classified as unsuitable for conventional ground absorption wastewater systems by Albemarle Regional Health. The lots may be reclassified from unsuitable to provisionally suitable if two lots incorporate a mound type disposal system and a low pressure pipe system (LPP) is used on the remaining lots.

SOILS: The property contains Roanoke fine sandy loam which is characterized as being poorly drained. The permeability is slow, and the shrink-swell potential is moderate. This soil is poorly suited for development because of flooding, wetness, slow permeability, and low strength

SCHOOL CAPACITIES: Using national averages for school age student generation from the *1987 American Housing Study*, one can expect .4243 elementary

students, .084 Jr. High students and .1568 High school students per dwelling unit. (*Note: These figures were verified by a field check of Currituck subdivisions in 1994*). The Crawford occupancy rate is 0.9106.

Based on these pupil generation figures, Currituck can expect seven elementary students, one junior high student, and three high school students from this development.

According to the January 2004, school population projections, the three elementary schools servicing the Moyock and Crawford Townships have (-184) additional student capacities after full development of approved subdivisions within these Townships. The proposed subdivision **is** reflected in the student population count.

OPEN SPACE: No open space is required or provided.

DRAINAGE: Drainage will be provided by roadside and lot line swales and a retention basin which tie into existing ditches.

FLOOD ZONES: A majority of the property is located within the 100 year floodplain (flood zone A5) with a base flood elevation of 6 feet with the remaining portion being located out of the floodplain.

LAND USE PLAN: The 1990 Land Use Plan classifies this site as Rural with Services. Low intensity residential uses with a gross density of approximately one unit per acre, where lots sizes are large and where the provision of services will not disrupt the primary rural character of the landscape are consistent with the intent of the rural with services class. Proposed density for the total 19 lot subdivision is approximately 0.9 units per gross acre and therefore the development is consistent with the Land Use Plan.

STAFF COMMENTS

1. The Sketch Plan/Special Use Permit for this development was approved by the Board of Commissioners on January 5, 2004 for 19 lots.
2. Developer will connect the subdivision to the county water system and install fire hydrants according to county requirements.
3. Developer will be required to plant trees along both sides of any newly created streets constructed in accordance with the public street standards as required in Section 513 of the UDO.
4. Technical Review Staff:

On May 13, 2004, Technical Review staff reviewed this application. At the TRC meeting, the primary concern was with the drainage outfall. The Preliminary Plat has been revised to address concerns expressed by the Technical Review staff. The drainage plan has been approved by the County Engineer and Soil & Water Conservation subject to the following conditions:

That the adjacent downstream property owner allows the developer to upgrade the existing driveway culvert to an adequate size. If the property owner refuses to allow the culvert upgrade, than the developer will be required to modify the site drainage to reduce the downstream flow to account for the flow restriction found at the existing driveway culvert.

- (a) County Engineer - reviewed & conditionally approved
 - (b) Soil & Water Conservation - reviewed & conditionally approved
 - (c) Fire Marshal – reviewed & approved
 - (d) County Water Department - reviewed & approved
 - (e) Health Department – engineered LPP systems must be submitted and approved by the Albemarle Regional Health Services; prior to issuance of the Operation Permits, the design engineer shall submit a letter certifying satisfactory installation of the wastewater system to the Health Services
 - (f) Moyock VFD Fire Chief – no comments received
 - (g) NCDEHNR, Land Quality – reviewed and approved the Erosion and Sedimentation Control Plan; letter of approval has been issued
 - (h) NCDEHNR, Water Quality – reviewed and approved a Low Density Stormwater Permit
 - (i) NCDOT – reviewed and approved encroachment & driveway permits
 - (j) NCDEHNR, Public Water Supply Section – reviewed and approved a permit for the authorization to construct the waterlines
 - (k) Phone Company - no comments received
 - (l) Superintendent of Schools - no comments received
 - (m) N C Power - no comments received
 - (n) CAMA - no comment; not within CAMA's jurisdiction
 - (o) USACOE - no comments; not within USACOE jurisdiction
5. This case was heard at the August Planning Board meeting. At that meeting the Board voted to table the item until the drainage issue was resolved by either upgrading the downstream driveway culvert or retaining additional stormwater on the site. The site has been redesigned to retain enough stormwater on site so that the downstream culvert can handle the flow. A detention basin as added at the rear of lots 7 & 8. The detention pond has the capacity to hold a 50 year storm event, well in excess of the UDO requirements of a ten year storm event. The drainage plan has been reviewed and approved by the County Engineer and the Soil & Water Conservation District.

The addition of the detention basin has a caused the loss of one lot within the subdivision. The property owner is currently in negotiations with the adjacent downstream property owner to resolve the flow restriction found at the existing driveway culvert. The property owner hopes to have come to an agreement by the time this preliminary plan goes before the

Board of Commissioners. As mentioned in this analysis, the original preliminary plat has approval by the County Engineer and the Soil & Water Conservation District if the downstream culvert is upgraded.

STAFF RECOMMENDATION:

Staff recommends approval with the following conditions:

1. That street trees shall be planted on both sides of the street in accordance with Section 513(1) of the UDO prior to submission for final plat approval.
2. That waterline, water services and fire hydrants shall be installed and accepted prior to submission for final plat approval.
3. That the applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners and which may be amended from time to time per UDO provisions.

DISCUSSION

Mr. Bell asked if the adjacent property owner, Mr. Springle, was in contact with Mr. Robey about drainage concerns.

Mr. Robey has offered numerous solutions to the property owner. The property owner refused any suggested solutions to the drainage problem.

Mr. Robey asked to go back to the 19 lot plan if the property owner accepts the corrections.

Mr. Bell asked if the culverts restrict the water flow.

Mr. Robey said yes and has offered to enlarge the culvert at his expense.

Mr. Kovacs asked how large the retention pond is.

Mr. Robey said about one acre.

Mr. Ferguson asked the board to keep in mind that the basin was enlarged to accommodate the 50 year storm event rather than the 10 year event, which is the maximum required by the UDO.

Mr. Kovacs asked where the access to the basin is.

Mr. Robey said through 50' drainage easement access.

Mr. Hawley asked how much water the pond can hold in a rainy season.

Mr. Robey said the pond is to slow down the water discharge. Pond is anticipated to stay full no longer than 24 hours at a time.

PLANNING BOARD RECOMMENDATION

Mr. Keel motioned to approve the request subject to the following conditions:

1. That street trees shall be planted on both sides of the street in accordance with Section 513(1) of the UDO prior to submission for final plat approval.
2. That waterline, water services and fire hydrants shall be installed and accepted prior to submission for final plat approval.
3. That the applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners and which may be amended from time to time per UDO provisions.

Mr. Riley seconded the motion. The motion passed unanimously.

PB 04-56 JOHN NEWBERN: Rezoning 7.13 acres from Agriculture (A) to Residential (R) on property located on N. Spot Rd. approx. 1,800' north of intersection w. S. Spot Rd. Tax Map 124, Lot 4, Poplar Branch Township

John Newbern appeared before the board.

Ms. Eggar presented the following case analysis to the board:

This site is located in Spot along the eastern side of N. Spot Road approximately 1,700' north of the intersection with S. Spot Road; Poplar Branch

TAX ID: TM 124 Parcel 4

PROPERTY OWNER: Erlene S. Gallop, Trustee

APPLICANT: John Melvin Newbern & Jane Gallop Newbern

ZONING:	<u>Current Zoning</u> Agricultural	<u>Proposed Zoning</u> Residentia
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ZONING HISTORY: Property has been zoned Agricultural since 1989.

SURROUNDING

*Minutes are not official until approved by the board.

ZONING/LAND USE: NORTH: Agricultural /Woodland
SOUTH: Agricultural /Residential lots
EAST: Agricultural /Residential lots
WEST: Agricultural /Cropland & Residential Lots

EXISTING LAND USE: Vacant agricultural

PROPOSED LAND USE: The applicants have stated that they desire to develop the site with seven residential lots.

LAND USE PLAN: The 1990 Land Use Plan classifies this site as Rural. The purpose of the Rural class is “to provide for agriculture, forestry, mineral extraction and other allied uses traditionally associated with an agrarian region.” Low density dispersed residential uses on lots approximately one unit per gross acre with on-site water and sewer are consistent with the intent of the rural class. The proposed density for the seven lot subdivision is approximately one unit per gross acre. This rezoning is consistent with the Rural classification.

PUBLIC SERVICES AND UTILITIES: Lower Currituck South Volunteer Fire Department provides fire protection for this area. Electric, telephone and cable are currently available at this location. There is no county water within the area.

TRANSPORTATION: Property has direct access onto N. Spot Road classified as a Minor Collector in the 1999 NCDOT Thoroughfare Plan.

FLOOD ZONE: According to FEMA maps, the western portion of property is located in outside of the 100 year floodplain (Flood Zone C) while the eastern portion is located within the 100 year floodplain with a base flood elevation of 7’ (Flood Zone A4).

SOILS: According to the Currituck County Soil Survey, the property has two soil types: **CnA** - Conetoe loamy sand which consists of well drained soils and are generally favorable for septic systems and **Ds** – Dragston loamy fine sand is a somewhat poorly drained soil which requires extensive drainage and site modifications to improve the potential for septic systems.

STAFF COMMENTS:

- The land is currently vacant.
- There are several single family homes surrounding the site in addition to numerous vacant residential lots ranging in size from approximately 0.5 acres to 1.5 acres.
- This site is approximately 1,300’ away from Residential zoned land which is located on Hog Quarter Road.

STAFF

RECOMMENDATION: This property is not contiguous with the Residential zoning district yet there have been numerous minor subdivisions in the area creating many smaller residential lots. The proposed land use conforms with the existing land use found in the area. Staff recommends approval of the rezoning request.

DISCUSSION

Mr. Newbern stated that he is trying to restructure property for additional income.

Mr. Kovacs asked what type of housing they were planning to put there.

Mr. Newbern said they were adding doublewides.

Mr. Bell asked if there were other doublewides in the area.

Mr. Newbern said that there were.

PLANNING BOARD RECOMMENDATION

Mr. Midgett motioned to approve this request.

Mr. Riley seconded the motion, the motion passed unanimously.

PB 03-28 WATERSIDE VILLAGES OF CURRITUCK: Preliminary Plat for 148 Single Family and 10 Multi-family planned adult retirement residences located in Grandy off Caratoke Hwy, just south of Soundside Estates, Tax Map 108, Parcels 20, 21, 22 and 22C, PB township

Mark Bissell appeared before the board.

Ms. Eggar presented the following case analysis to the board.

Off of NC 158 (Caratoke Highway) just south of Soundside Estates, Poplar Branch Township.

ZONING DISTRICT: Agricultural and General Business

OWNER:
VOC, LLC
P.O. Box 147
Harbinger, NC 27941

APPLICANT/AGENT
Currituck Resort Shores, LLC
P.O. Box 10096
Raleigh, NC 27605

ADJACENT/SURROUNDING PROPERTY:

NORTH: Residential – zoned A

SOUTH: Vacant – zoned A

EAST: Currituck Sound
WEST: Residential/Commercial/Vacant – zoned GB

NARRATIVE OF REQUEST:

VOC, LLC is seeking Preliminary Plat approval for Phases 1 through 6 which consists of 148 single family lots and 10 multi-family units (158 total units) within Waterside Villages of Currituck. The total acreage of the entire development is 72.3 acres. The development is setting aside 45% of the total site area as open space. The development includes sound access with a marina, pier, nature trails, indoor/outdoor swimming pools and a clubhouse as recreational amenities.

This property is zoned Agricultural (A) and General Business (GB) with an overlay zoning for a Planned Adult Retirement community. The single family home sites are a minimum of 5,200 sf. The lots will be connected to a centralized wastewater treatment system and to the county's water system. Although a centralized wastewater system exists currently on this site, a new wastewater disposal system will be installed with this development.

Waterside Villages has one ingress/egress point along Caratoke Highway (NC 158), for the residential section of the development. There is direct pedestrian access to the proposed urgent care facility from the development.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

STREETS: All streets will be built to NCDOT Design and Construction Standards. The streets will be private and will be maintained the Homeowners Association.

A deceleration lane will be installed from Caratoke Highway into the project.

WATER: The County will provide water to this development. It is estimated that water usage at the development will be approximately 80,000 gallons per day.

FIRE: This development will be served by fire hydrants and is located within the Lower Currituck Volunteer Fire Department, which currently has a State ISO rating of 9.

WASTEWATER: A permit has been issued by the Division of Water Quality for a 90,000 gallons per day wastewater treatment and disposal area. The disposal area is 6.5 acres.

SCHOOL CAPACITIES: Based on the proposed age restrictions for residents within this development (55 and over) this development should have no impact on school capacities.

OPEN SPACE: A minimum 35%, or 25.3 acres, of the total tract must be set aside as open space. A total of 32.71 acres, or 45% of the site, will be dedicated open space. The Homeowners Association will be responsible for maintaining the open space.

DRAINAGE: A Stormwater Permit has been issued by the Division of Water Quality. The drainage plan has been approved by County Engineer and the Soil & Water Conservation District.

FLOOD ZONES: Flood zone C (not within the 100 year flood area), zone A6 (within the 100 year flood area with 7' elevation), and zone A5 (within the 100 year flood area with 6' elevation).

CAMA CLASS: Limited Transition, Rural and Conservation

STAFF COMMENTS:

5. Waterside Villages received initial Sketch Plan approval for 232 adult retirement residences from the Board of Commissioners on September 15, 2003. The approved residential mix is comprised of 148 single family lots and 84 multi-family units.

6. A Landscape Plan shall be submitted for review.

7. That the following notes/corrections be added to the plat:

- (a) Sheet 1 – Note #14 and Subject Property note show different tract areas.
- (b) Sheet 2- Need to correct the 45' RW street cross section and show that the sidewalk is within the right-of-way. Need to show the sidewalk widths.
- (c) Sheet 4 – Enlarge Typical Lot View. Call out the sidewalk. Correct the reference for the Valley Curb to Sheet 2.
- (d) Sheet 5 – Show the location of cross section A found on Sheet 2.
- (e) Sheets 8 & 9 – the Phase Line between Phase 3 and future Phase 7 needs to be corrected to only include the one condo building in Phase 3. Note that Phase 7 is Future.
- (f) Sidewalk /Trail widths need to be shown. Could be done with the typical sections and legend if they are all the same width.
- (g) Legend – Show the symbol for drainage culverts. Remove the soil boundary.

8. Technical Review Staff:

On July 8, 2004, Technical Review staff reviewed this application. At the TRC meeting, the primary concern was with the drainage and the use of slotted drain pipes. The Preliminary Plat has been revised to address concerns expressed by the Technical Review staff. The drainage plan has been approved by the County Engineer and Soil & Water Conservation.

- (p) County Engineer - reviewed & approved
- (q) Soil & Water Conservation - reviewed & approved
- (r) Fire Marshal – reviewed & approved with following comments: center islands in the cul-de-sacs shall have low curbing; gate at the entrance to the development is required to have a 12’ to 14’ clearance; During the phasing development, temporary cul-de-sacs shall be required
- (s) County Water Department - reviewed & approved
- (t) County Mapper – reviewed & approved
- (u) Lower Currituck VFD Fire Chief – no comments received
- (v) NCDEHNR, Water Quality – reviewed and approved a Wastewater Surface Irrigation Permit. And a Wastewater Collection System Extension Permit.
- (w) NCDEHNR, Land Quality – reviewed and approved the Erosion and Sedimentation Control Plan; letter of approval has been issued
- (x) NCDEHNR, Water Quality – reviewed and approved a High Density Stormwater Permit
- (y) NCDOT – reviewed and approved driveway permit with condition that no “new” run-off be introduced into the NCDOT right-of-way; that all of the turn lane be contained on the property’s street frontage; and the the overflow structure from the pond have only a 1” orifice. An encroachment agreement was permitted.
- (z) NCDEHNR, Public Water Supply Section – reviewed and approved a permit for the authorization to construct the waterlines
- (aa) Phone Company – reviewed with no comment
- (bb) Superintendent of Schools - no comments received
- (cc) N C Power - reviewed with no comment
- (dd) CAMA – reviewed and delineated
- (ee) USACOE – reviewed and issued Notification of Jurisdictional Determination

STAFF RECOMMENDATION:

Staff recommends approval subject to the following conditions:

1. That the following notes/corrections be added to the plat:
 - (a) Sheet 1 – Note #14 and Subject Property note show different tract areas.
 - (b) Sheet 2- Need to correct the 45’ RW street cross section and show that the sidewalk is within the right-of-way. Need to show the sidewalk widths.
 - (c) Sheet 4 – Enlarge Typical Lot View. Call out the sidewalk. Correct the reference for the Valley Curb to Sheet 2.
 - (d) Sheet 5 – Show the location of cross section A found on Sheet 2.
 - (e) Sheets 8 & 9 – the Phase Line between Phase 3 and future Phase 7 needs to be corrected to only include the one condo building in Phase 3. Note that Phase 7 is Future.
 - (f) Sidewalk /Trail widths need to be shown. Could be done with the typical sections and legend if they are all the same width.
 - (g) Legend – Show the symbol for drainage culverts. Remove the soil boundary
2. That the entrance gate to the development shall have a 12’ to 14’ clearance for emergency vehicles.

3. That a key or access code shall be provided to Fire and Rescue personnel for the entrance gate. In addition, the gates must be designed in a way that a fire truck or emergency vehicle could trigger the automatic opening when leaving the subdivision.
4. That during the phasing development, temporary cul-de-sacs shall be required.
5. That a landscape plan be submitted for review and approval.
6. That street trees shall be planted on both sides of all newly paved streets.
7. That waterline, water services and fire hydrants shall be installed and accepted prior to submission for final plat approval.
8. That the applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners and which may be amended from time to time per UDO provisions.

DISCUSSION

Mr. Hawley asked if all utilities are underground.

Ms. Eggar said yes.

PLANNING BOARD RECOMMENDATION

Mr. Hawley motioned to approve this request subject to the following conditions:

9. That the following notes/corrections be added to the plat:
 - (a) Sheet 1 – Note #14 and Subject Property note show different tract areas.
 - (b) Sheet 2- Need to correct the 45' RW street cross section and show that the sidewalk is within the right-of-way. Need to show the sidewalk widths.
 - (c) Sheet 4 – Enlarge Typical Lot View. Call out the sidewalk. Correct the reference for the Valley Curb to Sheet 2.
 - (d) Sheet 5 – Show the location of cross section A found on Sheet 2.
 - (e) Sheets 8 & 9 – the Phase Line between Phase 3 and future Phase 7 needs to be corrected to only include the one condo building in Phase 3. Note that Phase 7 is Future.
 - (f) Sidewalk /Trail widths need to be shown. Could be done with the typical sections and legend if they are all the same width.
 - (g) Legend – Show the symbol for drainage culverts. Remove the soil boundary
10. That the entrance gate to the development shall have a 12' to 14' clearance for emergency vehicles.
11. That a key or access code shall be provided to Fire and Rescue personnel for the entrance gate. In addition, the gates must be designed in a way that a fire truck or emergency vehicle could trigger the automatic opening when leaving the subdivision.
12. That during the phasing development, temporary cul-de-sacs shall be required.

13. That a landscape plan be submitted for review and approval.
14. That street trees shall be planted on both sides of all newly paved streets.
15. That waterline, water services and fire hydrants shall be installed and accepted prior to submission for final plat approval.
16. That the applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners and which may be amended from time to time per UDO provisions.

Mr. Keel seconded the motion. The motion passed unanimously.

PB 94-18 TR EQUIPMENT COMPANY, INC.: Renewal of special use permit for a mining operation owned by James I. Malco located in Point Harbor off Griggs Acres Road approximately 450' west of the intersection with Caratoke Highway, Tax Map 132, Parcel 159, Poplar Branch Township.

Bob Stewart appeared before the board.

Ms. Eggar presented the following case analysis to the board.

LOCATION: Approximately 1,300' north of Griggs Acres Drive.

ZONING DISTRICT: Residential

TAX ID: 0132-000-0159-0000

OWNER:

James I. Malco
135 James Griggs Road
Point Harbor, NC 27964

APPLICANT/AGENT

R. Gary Thompson
T.R. Equipment Co.
PO Box 190
Harbinger, NC 27941

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Farmland & Vacant - zoned R & GB
SOUTH: Residential - zoned R
EAST: Residential & Dominion Power site – zoned R
WEST: Farmland & Vacant - zoned R

PURPOSE OF REQUEST:

The applicant requests Special Use Permit approval/renewal for a sand mining operation located at the Malco Mine. The request is to start Phase 2 of the mining operation. The requested hours of operation are Monday to Saturday from dawn till dusk.

The proposed Phase 2 site to be mined will not exceed 6.90 acres. This area added to the existing excavated area, 6.93 acres, equals 13.83 acres, or 30% of the total site area, the maximum allowed under the UDO. Off-site dewatering has been previously approved for this site.

The applicant is requesting a maximum mining depth of 34' below the natural ground. The mining site is relatively level with existing grade of approximately 9' above Mean Sea Level (MSL). This equates to a maximum mining depth of -25' below MSL.

Dewatering of the mining area will be accomplished by pumping water into the existing irrigation/settling pond. The pump and housing from the existing mine area shall be used for the new mine area. This pond will connect to the existing mine area, Phase 1, via a grassed swale. The existing mine area in Phase 1 will be incorporated as a second settling basin and will discharge into the wetland area. The project has a state NPDES permit for dewatering the excavated area to a depth of 25' below natural ground. Considering the existing grades at the site, this equates to a maximum dewatering depth of -16' below MSL.

Access to the site is from a 30' easement located on the north side of Griggs Acres Rd. (SR 1101) approximately 450' west of the intersection with US 158.

On July 18, 1994 T.R. Equipment was granted a Special Use Permit for mining activities on the Malco property which was valid for 10 years. The state mining permit was renewed in August, 2004.

DEVELOPMENT HISTORY:

1. On July 18, 1994 the Board of Commissioners approved a request to rezone 6 acres from Residential (R) to Agriculture (A) (3.03 ac. for the mining area with the balance devoted to the haul road).
2. On the same date, the Board of Commissioners approved a Special Use Permit (SUP) for a sand mining operation on the site.
3. On November 12, 1996 the State issued a modified mining permit to allow dewatering and increase the mining depth to 25' below natural grade.
4. On January 6, 1997 the Board of Commissioners approved an amended SUP to allow dewatering at this site.
5. On November 3, 1997 the Board of Commissioners approved rezoning of 1.12 acres from Residential (R) to Agriculture (A) and a Special Use Permit to mine up to 4.15 acres.
6. On January 22, 1998 the State approved a modified mining permit to increase the affected acreage to 4.15 acres.

7. On November 5, 2001 the Board of Commissioners approved an amended Special Use Permit to expand mining area from 4.15 acres to 6.58 acres.
8. March 15, 2002 the mining permit was modified to increase the affected acreage to 6.43 acres. This modification also increased the maximum mining depth from 25' to 50' below the surrounding natural ground surface with the stipulation that the dewatering shall remain limited to 25' below the natural ground surface.
9. In February 2003, the Planning & Inspections Department received a complaint from a nearby property owner that the mine was affecting her well water.
10. In March 2003, NCDENR, Division of Water Resources investigated how the mining operation was impacting the water quantity and quality of private wells of some adjacent properties. The conclusion was that the mining activities had no relation to the private well issues. The state found that the Malco Mine dewatering operations were within the state guidelines of their permit and any water related issues at that time were consequences of the quality of the aquifer water and the construction of the wells.
11. Upon inspection of the site on April 23, 2003 and February 13, 2004, it was determined that mining was occurring at a maximum depth of approximately 34' and was found to be in compliance.
12. On August 5, 2004 the NCDER, Land Quality Section issued a renewal and modification mining permit #27-39 to increase the affected acreage to 16.22 acres. This permit will expire on August 5, 2014. Even though the state has permitted the site to mine 16.22 acres, the UDO limits the total excavated area of the site to a maximum of 30% or 13.83 acres. The more restrictive acreage of 13.83 shall prevail with this permit.
13. A Reclamation Plan was incorporated as part of the original mining permit application in 1994 and not included in the renewal package. The state approved reclamation plan is to restore the mine excavations to a lake area and to grade and revegetate the adjacent disturbed areas. The applicant has posted a reclamation security of \$11,900 with the state.

EXISTING CONDITIONS:

The site has an existing 6.01 acre mine located at the southern portion of the property, and a 0.92 acres irrigation pond located towards the northern end of the site. The remaining portion of the site is cleared woodland surrounded by either farmland or woodlands. County Soil Maps indicate one type of soil contained on the property: **CnA** Conetoe loamy sand which consists of well drained soils that have moderately rapid permeability.

QUESTION(S) BEFORE THE BOARD:

- (1) *Does the proposal comply with the general standards found in Section 1402(2) for a Special Use Permit/Sketch Plan?*

The applicant proposes a sand mining operation which is a permitted use in A (Agricultural) zoned area with a Special Use Permit.

The proposed mining area for the site meets the required setbacks, (100' from property lines; 300' from nearest residence, industrial building, or public road). The proposed site has a 100' setback from the western, northern, and eastern property lines. The nearest residences are located in excess of 900' southeast of the proposed mine site, according to county Tax Maps and aerial photos.

The UDO allows up to 30% of the site to be excavated (46 acres X 30% = 13.83 acres permitted). This proposal will bring the site to the allowed 30% maximum, (existing excavated area of 6.92 acres and the proposed excavated area of 6.90 acres for a total of 13.83 acres).

ADDITIONAL APPLICATION INFORMATION

Mining methods:

Mine excavator for digging and a loader to load the dump trucks.

Steps taken to maintain haul road(s):

Contractor will bear the responsibility for maintenance of the haul road. Applicant will keep haul road watered down to keep amount of dust down to a minimum and will re-grade the road periodically as needed.

Description of day to day operations:

Excavate and haul sand. Hours of operation will be dawn to dusk Monday through Saturday. The applicant estimates that at maximum operation there would be 50 loads/day transported from the site. An average day would be approximately 16-20 loads.

Proposed use after mining and how is sewage being handled:

Owner's intention is to continue farming the land after the mining operation is completed with the pond areas in place. No sewage will be generated during this process.

Buffers, existing vegetation on-site and berms:

A 10' unexcavated buffer will surround the mining area. No berms are proposed as a visual buffer for the mine site. Proposed mining area is well buffered by existing trees and cannot be seen by the traveling public along Griggs Acres Road (SR 1101).

- (a) *Will the proposed use materially endanger the public health or safety?*

According to County Tax Maps, the nearest residential dwellings to the site are to the southwest in excess of 900'.

The dewatering model used in the hydrologic report is a simulation of an excavation to a depth of 25' with dewatering to -20' below MSL. The state dewatering permit allows the mine area to be dewatered to a depth of 25' below the natural ground, or -16' below MSL. The study concludes that the drawdown from the mine dewatering may influence the yields from shallow wells within a distance of 1,050'. Shallow wells with centrifugal pumps may experience a 20% to 25% reduction in the well yield. According to the report, there are three existing parcels, not including the Dominion Power site, within the 1,050' area of influence. At the present time none these lots are improved.

If the mining operations adversely affect an in use well through contamination or diminution of ground water, the applicant shall provide the well owner with a replacement water supply of equal quantity and quality.

The access road (haul road) currently serves as ingress/egress to the farmland and 3 residential lots.

Applicant estimates a maximum of 50 trips/day with an average of 16-20 trips/day.

"No Trespassing" signs must be posted at a minimum distance of 250' apart around the site to indicate a mining operation is being conducted on the property.

The Board of Commissioners shall establish the hours of operation for all mining activities on the site and may require additional buffers and screens in order to minimize negative impacts on adjoining properties and street right-of-ways.

- (b) *Will the proposed use substantially injure the value of adjoining or abutting property?*

The site has been mined for the past ten years. The property is surrounded by farmland, vacant commercial land, woodland, the Dominion Power site and a few improved residential lots. There approximately 75 lots within 1,000' of the Malco Mine site. 36 of the lots are developed. There are approximately 106 lots within 1,500' of the Malco Mine site of which 50 are developed.

- (c) *Will the proposed use be in harmony with the particular neighborhood or area in which it is to be located?*

See the findings listed under Criteria "1", "a" and "b" above.

- (e) *Will the proposed use be in general conformity with the Land Use Plan, Thoroughfare Plan or other plans officially adopted by the board?*

The 1990 Land Use Plan classifies this land as "Rural". The purpose of the rural classification is to provide for agriculture, forestry, mineral extraction and other allied uses traditionally associated with an agrarian region. Areas meeting the intent of this classification are appropriate for, or presently used for, agriculture, forestry, mineral extraction, and other uses, that due to their hazardous or noxious nature, should be located in a relatively isolated and undeveloped area. Therefore, this proposal is consistent with the Land Use Plan.

The proposed site is located along Griggs Acres Road (SR 1101), a Local Road according to the 1988 Thoroughfare Plan.

- (f) *Will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities.?*

Based on the proposed mining use, it will not exceed the county's ability to provide adequate public facilities.

STAFF RECOMMENDATION

Staff recommends **approval** with the following conditions:

1. If at any time the State permit issued for this mining operation is suspended or revoked, the suspension or revocation shall cause this Special Use Permit to become void;
2. No more than 30% of the total tract, or 13.83 acres, tract shall be excavated at any given time during the mining operation and after completion. This permit is allow the mining of Phase 2 for a total of 6.90 acres;
3. Any modifications to the State permits shall be filed within 10 working days of issuance or submittal in the Planning/Inspections Department of Currituck County;
4. This Special Use Permit shall be valid for a period of 10 years from the date it is granted;
5. The maximum dewatering depth shall be 25' below natural ground or an elevation of -16 below MSL;
6. The maximum mining depth shall be 34' below natural ground or an elevation of -25 below MSL;
7. A benchmark shall be set proximate to the new mining area to establish the elevation of the natural ground. The benchmark location shall be shown on the mining site plan;
8. The hours of operation of all mining related activities on this site, as determined by the Currituck County Board of Commissioners, shall be Monday through Friday from 7 a.m. to 5 p.m., Saturday from 7 a.m. to 5 p.m and no mining activity shall occur on Sunday;

9. No mining activity shall take place in the 120' VEPCO power easement until a written agreement has been reached. The agreement shall be filed within 10 working days of issuance with the Planning/Inspections Department of Currituck County;
10. Mined materials shall not be stored in excess of 25' in height;
11. All roads utilized to access the mining site shall be maintained free of dust and sediment and shall be properly graded and drained;
12. All trucks hauling mined materials shall be covered with a tarpaulin;
13. Stockpile areas and overburden to be used for future reclamation shall be placed where it will not be disturbed by normal mining activities and shall be stabilized to reduce wind and water erosion;
14. No bulk waste, hazardous waste, commercial waste, garbage, construction or demolition waste shall be placed on the site;
15. Off-site discharging of water from the mine site is permitted under this permit. The County may take random samples and have the results tested for settleable solids, turbidity, and pH at the operators expense. Such testing shall not exceed six tests per year;
16. "No Trespassing" signs shall be posted around the site being mined at a minimum distance of 250 feet apart indicating that a mining operation is being conducted on the property;
17. Reclamation shall be conducted simultaneously with mining operations. Annual reclamation reports shall be submitted to the Planning/Inspections Department of Currituck County within 10 days of being filed with the State;
18. Drainage patterns shall not be altered so as to cause flooding off-site while the permit is valid and after reclamation;
19. All provisions of State and local permits issued for the operation shall be met;
20. No mining activities shall adversely affect surrounding in use wells. Any person owning or operating a mining site in a manner that adversely affects an in use well through contamination or diminution of groundwater shall provide the well owner with a replacement water supply or equal quantity and quality;
21. A reserve fund shall be established, to be held by the property owner, to finance the initial capital expenses of establishing the anticipated future lake use of the property. At a minimum, the estimated capital expense shall be an amount equal to \$1,000 times the number of acres in the total site. The reserve fund shall include an assumed inflationary rate of 5% per year for the expected life of the mining site. Any funds held by the State of North Carolina pursuant to G.S. 74-54 will be credited towards the required amount.
22. The owner shall place funds in the reserve annually in amounts equal to the capital cost estimates provided above divided by the number of years the mining site will be open.
 - a. The annual amount shall be \$5,130 (calculated as follows):

$$46.1 \text{ acres} \times \$1,000 = \$46,100 - \$11,900 \text{ State Bond} = \$34,200$$

$$\$34,200 / 10 \text{ years} = \$3,420;$$

Year + 5% Inflationary Rate:

Year 1	\$3,410.00
Year 2	\$3,580.50
Year 3	\$3,759.53
Year 4	\$3,947.50
Year 5	\$4,144.88
Year 6	\$4,352.12
Year 7	\$4,569.73
Year 8	\$4,798.21
Year 9	\$5,038.12
Year 10	\$5,290.03

23. The first payment shall be made prior to commencement of excavation activities and evidence of such payment, in the form of a notarized statement by the property owner, must be presented to the administrator. Such evidence shall be submitted annually, along with the total balance of reserve funds, to the administrator on or before the anniversary of the initial notarized statement. In the event the mining operation permanently discontinues before the expected timetable submitted, the owner shall pay all remaining amounts to the reserve fund as evidenced by a notarized statement to the administrator;
24. The reclamation shall be in accordance with the state approved reclamation plan; and
25. Should any conditions within this permit conflict with any other permit issued for this activity, then the more restrictive condition shall prevail.

DISCUSSION

Mr. Hawley asked about the distance between the mining operation and the watering pond, asking if the pond would be breached at any time.

Mr. Stewart said they are separate.

Mr. Thompson said there is a buffer, and that the mine would be divided into cells, combined at the conclusion of the job.

Mr. Bell asked if all no trespassing signs were up.

Mr. Stewart said they are up around the existing mine.

Mr. Bell asked if the haul road is being maintained.

Mr. Thompson said that it was.

Mr. Hawley commented that he would like to see some signage at the highway re: trucks entering highway.

Mr. Bell asked if they were planning to work on Saturdays in the summer.

Mr. Thompson said they typically don't work Saturdays from June-Sept.

Mr. Bell asked if the board had recommendations about the hours of operations.

Mr. Hawley suggested 8-4 due to safety concerns.

Mr. Stewart asked if they could do operation before 8.

Mr. Hawley was agreeable.

Mr. Malco said that there is more traffic later in the morning than earlier.

Mr. Thompson said that later hours would be a hardship on his company. He said he would like 7-5 at a minimum. He addressed Sunday operation in an emergency situation i.e. storm, etc.

Mr. Bell advised him to seek the BOC recommendation on that issue.

Ms. Eggar asked about Saturday hours.

Mr. Ferguson asked the board to define 'Summer' time

Mr. Etheridge commented that June-Sept is summer.

Mr. Bell asked if hours should be 7-5 Monday through Friday except for Memorial Day to Labor Day.

Mr. Stewart said hauling hours of 7-5, Monday through Friday, were agreeable to him with operation only before 7 and all day Saturday.

Mr. Ferguson said noise from dewatering is historically the issue in a mining operation.

Mr. Hawley asked if they needed to dewater 7 days a week.

Mr. Thompson said there could be times they would want to dewater everyday.

Mr. Malco said there had been noise complaints, that's why they are asking for Phase 2, moving further away to satisfy the neighbors.

PLANNING BOARD RECOMMENDATION

Mr. Hawley motioned to approve this request subject to the following conditions:

1. If at any time the State permit issued for this mining operation is suspended or revoked, the suspension or revocation shall cause this Special Use Permit to become void;

2. No more than 30% of the total tract, or 13.83 acres, tract shall be excavated at any given time during the mining operation and after completion. This permit is allow the mining of Phase 2 for a total of 6.90 acres;
3. Any modifications to the State permits shall be filed within 10 working days of issuance or submittal in the Planning/Inspections Department of Currituck County;
4. This Special Use Permit shall be valid for a period of 10 years from the date it is granted;
5. The maximum dewatering depth shall be 25' below natural ground or an elevation of -16 below MSL;
6. The maximum mining depth shall be 34' below natural ground or an elevation of -25 below MSL;
7. A benchmark shall be set proximate to the new mining area to establish the elevation of the natural ground. The benchmark location shall be shown on the mining site plan;
8. The hours of operation of all mining related activities on this site, as determined by the Currituck County Board of Commissioners, shall be Monday through Friday from 7 a.m. to 5 p.m., Saturday from 7 a.m. to 5 p.m and no mining activity shall occur on Sunday;
9. No mining activity shall take place in the 120' VEPCO power easement until a written agreement has been reached. The agreement shall be filed within 10 working days of issuance with the Planning/Inspections Department of Currituck County;
10. Mined materials shall not be stored in excess of 25' in height;
11. All roads utilized to access the mining site shall be maintained free of dust and sediment and shall be properly graded and drained;
12. All trucks hauling mined materials shall be covered with a tarpaulin;
13. Stockpile areas and overburden to be used for future reclamation shall be placed where it will not be disturbed by normal mining activities and shall be stabilized to reduce wind and water erosion;
14. No bulk waste, hazardous waste, commercial waste, garbage, construction or demolition waste shall be placed on the site;
15. Off-site discharging of water from the mine site is permitted under this permit. The County may take random samples and have the results tested for settleable solids, turbidity, and pH at the operators expense. Such testing shall not exceed six tests per year;
16. "No Trespassing" signs shall be posted around the site being mined at a minimum distance of 250 feet apart indicating that a mining operation is being conducted on the property;
17. Reclamation shall be conducted simultaneously with mining operations. Annual reclamation reports shall be submitted to the Planning/Inspections Department of Currituck County within 10 days of being filed with the State;
18. Drainage patterns shall not be altered so as to cause flooding off-site while the permit is valid and after reclamation;

19. All provisions of State and local permits issued for the operation shall be met;
20. No mining activities shall adversely affect surrounding in use wells. Any person owning or operating a mining site in a manner that adversely affects an in use well through contamination or diminution of groundwater shall provide the well owner with a replacement water supply or equal quantity and quality;
21. A reserve fund shall be established, to be held by the property owner, to finance the initial capital expenses of establishing the anticipated future lake use of the property. At a minimum, the estimated capital expense shall be an amount equal to \$1,000 times the number of acres in the total site. The reserve fund shall include an assumed inflationary rate of 5% per year for the expected life of the mining site. Any funds held by the State of North Carolina pursuant to G.S. 74-54 will be credited towards the required amount.
22. The owner shall place funds in the reserve annually in amounts equal to the capital cost estimates provided above divided by the number of years the mining site will be open.
- a. The annual amount shall be \$5,130 (calculated as follows):
- i. $46.1 \text{ acres} \times \$1,000 = \$46,100 - \$11,900 \text{ State Bond} = \$34,200$
 $\$34,200 / 10 \text{ years} = \$3,420$;
 - ii. Year + 5% Inflationary Rate:
 - iii. Year 1 \$3,410.00
 - iv. Year 2 \$3,580.50
 - v. Year 3 \$3,759.53
 - vi. Year 4 \$3,947.50
 - vii. Year 5 \$4,144.88
 - viii. Year 6 \$4,352.12
 - ix. Year 7 \$4,569.73
 - x. Year 8 \$4,798.21
 - xi. Year 9 \$5,038.12
 - xii. Year 10 \$5,290.03
23. The first payment shall be made prior to commencement of excavation activities and evidence of such payment, in the form of a notarized statement by the property owner, must be presented to the administrator. Such evidence shall be submitted annually, along with the total balance of reserve funds, to the administrator on or before the anniversary of the initial notarized statement. In the event the mining operation permanently discontinues before the expected timetable submitted, the owner shall pay all remaining amounts to the reserve fund as evidenced by a notarized statement to the administrator;
24. The reclamation shall be in accordance with the state approved reclamation plan; and
25. Should any conditions within this permit conflict with any other permit issued for this activity, then the more restrictive condition shall prevail.
26. That warning signs noting 'Truck Entering Highway' be posted on Caratoke Highway before Griggs Acres Rd.
27. That the hours of operation shall be 7 a.m. to 5 p.m. Monday through Saturday. On Saturdays between Memorial Day and Labor day there shall be no hauling activity at the mine site.

Mr. Etheridge seconded the motion. The motion passed unanimously.

PB 04-29 SNOWDEN CROSSING: Sketch Plan/Special Use Permit for 17 lots located in Shawboro on the west side of Snowden Road approximately ½ mile north of the intersection with Shawboro Road, Crawford Township.

Mark Bissell appeared before the board

Ms. Eggar presented the following case analysis to the board.

On Snowden Road, at the rail road crossing, approximately 0.6 miles from its intersection with Shawboro Road, Crawford Township.

TAX ID: 0033-000-0005-0000

ZONING DISTRICT: Agricultural

OWNER:

Three of a Kind, Inc.
257 Caratoke Highway, Ste. B
Moyock, NC 27958

APPLICANT/AGENT

Bissell Professional Group
PO Box 1068
Kitty Hawk, NC 27949

LAND USE/ZONING OF SURROUNDING PROPERTY:

NORTH: Low Density Residential, Farmland & Woodland - zoned A
SOUTH: Farmland - zoned A
EAST: Farmland & Woodland - zoned A
WEST: Farmland - zoned A

NARRATIVE OF REQUEST:

Three of a Kind, Inc. is seeking Sketch Plan/Special Use Permit approval for 20 single family lots through the major subdivision process. The parent parcel for this development is approximately 99.6 acres and is divided into three separate tracts of land due to public street and railroad right-of-ways. The proposed subdivision is located on the west side of Snowden Road and comprises the western portion of the parent parcel. The total acreage for this development is approximately 53.8 acres.

This property is zoned Agricultural. In the Agricultural zoning district the minimum lot size is three acres, with an exception that allows the creation of up to five 40,000 sf lots. The lot sizes within this development range from 40,000 sf to 3.1 acres.

The subdivision will have one point of entry from Snowden Road. There is a dedicated right-of-way to the south for a future street connection. The lots will be served by individual septic systems. Since there is no county water available for this site, the lots

will be served by individual wells. However, water improvements shall be guaranteed by a performance bond and water connection fees paid for each lot.

According to the Development Impact Statement, the typical houses will be four bedrooms with two bathrooms and will range in size from 2,000 sf to 2,500 sf in size. The anticipated total sale price for all of the lots is \$1.1 million, or approximately \$55,000 per lot. It is projected that the vacant lots will sell out within a year or two.

OTHER IMPORTANT ELEMENTS TO THIS PLAN:

STREETS: The proposed streets will be built to NCDOT Design and Construction standards. The developer expects the streets will be dedicated to NCDOT for maintenance.

WATER: County water is not available to this site at this time.

FIRE: This development will be located within the jurisdiction of the Crawford Volunteer Fire Department.

WASTEWATER: Individual on-site septic systems are proposed.

SOILS: There are five soils types found at the site: Augusta fine sandy loam which consists of somewhat poorly drained, moderately permeable soils; Roanoke fine sandy loam which consists of poorly drained soils that have slow permeability; Nimmo loamy sand which consists of poorly drained soils that have moderate permeability; Tomotley fine sandy loam which consists of poorly drained soil with moderate to moderately slow permeability; and Pasquotank silt loam which consists of poorly drained soils that have moderate permeability;

SCHOOL CAPACITIES: Using national averages for school age student generation from the *1987 American Housing Study*, one can expect .4243 elementary students, .084 jr. high students and .1568 high school students per dwelling unit. (*Note: These figures were verified by a field check of Currituck subdivisions in 1994*). Crawford Township has an occupancy rate of 0.9106

Based on these pupil generation figures, Currituck can expect eight elementary students, two junior high students, and three high school students from this development.

According to the January 2004, school population projections, the three elementary schools servicing the Moyock and Crawford Townships have (-184) additional student capacities after full

development of approved subdivisions within these Townships. The proposed subdivision is **not** reflected in the student population count.

OPEN SPACE: No open space is required or provided.

DRAINAGE: Roadside and property line swales/ditches will be used to address drainage for this property.

FLOOD ZONES: The property is located outside of a 100 year floodplain (flood zone C).

LAND USE PLAN: The 1990 Land Use Plan classifies this site as Rural. The purpose of the Rural class is “to provide for agriculture, forestry, mineral extraction and other allied uses traditionally associated with an agrarian region. Low density dispersed residential uses on lots approximately one unit per gross acre with on-site water and sewer are consistent with the intent of the rural class. The proposed density for the 20 lot subdivision is approximately 0.4 units per gross acre. This proposal is consistent with the Land Use Plan.

STAFF COMMENTS:

- On May 13, 2004, Technical Review staff reviewed this application. Staff’s concerns included the following:
 1. Three of the lots slightly exceeded the 4:1 lot width to length ratio mandated by Section 921 of the UDO. Lot 9 has a ratio of 5.6:1; Lot 11 has a lot ratio of 5.6:1; and Lot 18 has a lot ratio of approximately 5:1. It should be noted that Lots 9 and 11 are cul-de-sac lots while Lot 18 meets the ratio when based on the average lot width. The UDO does allow this ratio to be exceeded where the Board finds that the physical dimensions of the tract provide no other practical alternative. The subject property has a slightly triangular shape.
 2. Plans reviewed at the TRC meeting did not address the tentative drainage of the site.
 3. The Fire Marshall had concerns in regards to the access to the fire pond access.
 4. The Albemarle Regional Health Services has concerns with the soils and the ability of the project to support conventional wastewater systems.
 5. A temporary turnaround shall be placed at the end of Floyd Lane. The turn around shall be improved with a minimum 35’ radius graveled turnaround.
- In response to concerns expressed by the TRC, the Sketch Plan has been revised to reflect the following items:
 - Lot 9 was reconfigured to meet the 4:1 lot width to length ratio;
 - A temporary turnaround was placed at the end of Floyd Lane;

- Tentative storm drainage has been addressed and approved;
- The Fire Marshal's concerns have been addressed and approved.
- The project will require state stormwater and erosion & sedimentation control permits.
- This case was heard at the June 8, 2004 Planning Board. At that meeting the decision was tabled due to an inadequate adjacent property owner notification of the meeting. There were concerns in the audience regarding the adequacy of Snowden Road to handle the additional traffic. The Planning Board directed the Planning Staff to get comments from NCDOT regarding this concern.
- NCDOT's response to the adequacy of Snowden Road is that based on 10 vehicle trips per day per lot, "it would have an impact on the surrounding roadway, but I don't know if it would be a detriment to the existing level of service...Should it become obvious that the pavement width is causing problems, there is always a chance the road could be widened."
- NCDOT has concerns regarding the drainage and the oddly shaped cul-de-sac/"T" intersection as to whether it would meet NCDOT standards.

QUESTION(S) BEFORE THE BOARD:

1. *Is the application complete?*

Based on staff review all required information has been submitted for review.

2. *Does the proposal comply with the provisions in the UDO for Sketch Plan approval?*

The proposal complies with all UDO requirements for Sketch Plan approval.

3. *Does the proposal comply with the general standards found in Section 1402(2) for a Special Use Permit/Sketch Plan?*

- (a) *Will not endanger the public health or safety.*

Public health and safety issues including fire protection, stormwater management, wastewater disposal, and access for emergency services have been adequately addressed within this proposal.

- (b) *Will not injure the value of adjoining or abutting property.*

The proposed residential subdivision should have no negative impact on adjoining property;

- (c) *Will be in harmony with the area in which it is located.*

The subdivision would consist of residential properties that would be in harmony with the surrounding area;

- (d) *Will be in conformity with the Land Use Plan, Thoroughfare Plan or other plans officially adopted by the Board.*

The proposal will be consistent with the CAMA Land Use Plan Rural classification and with the Thoroughfare Plan;

- (e) *Will not exceed the county's ability to provide adequate public facilities, including, but not limited to, schools, fire and rescue, law enforcement, and other county facilities. Applicable state standards and guidelines shall be followed for determining when public facilities are adequate. Such facilities must be in place or programmed to be in place within 2 years after the initial approval of the sketch plan. In the case of subdivision and multifamily development at the sketch plan/special use, preliminary plat, or final plat stage, the Board of Commissioners may establish time limits on the number of lots/units available for development to assure adequate public facilities are available in accordance with Section 2015.*

Currituck can expect eight elementary students, two junior high students, and three high school students from this development.

According to the current school population projections, the three elementary schools servicing the Moyock and Crawford Townships have (-184) additional student capacities after full development of approved subdivisions within these Townships. The proposed subdivision is reflected in the student population count.

STAFF RECOMMENDATION:

Staff recommends approval, subject to the Board of Commissioner's determination that adequate school facilities exist, or will exist, to meet the demands generated by this subdivision. If the Board of Commissioners so finds, staff also recommends the following conditions:

1. That applicant shall be required to meet all requirements of the UDO including, providing adequate fire protection and adequate drainage facilities to serve the development.
2. That a Preliminary Plat shall be submitted for review within 24 months from the date the Sketch Plan is approved by the Board of Commissioners; and
3. That as a continuing condition to this approval, the applicant will meet and continue to meet all requirements of the County's Unified Development Ordinance.

PLANNING BOARD RECOMMENDATION:

On July 13, 2004 the Planning Board reviewed this request and recommended approval (8-0) with the following conditions:

1. That applicant shall be required to meet all requirements of the UDO including, providing adequate fire protection and adequate drainage facilities to serve the development.
2. That a Preliminary Plat shall be submitted for review within 24 months from the date the Sketch Plan is approved by the Board of Commissioners; and
3. That as a continuing condition to this approval, the applicant will meet and continue to meet all requirements of the County's Unified Development Ordinance.

BOARD OF COMMISSIONERS RECOMMENDATION:

On August 2, 2004 the Board of Commissioners reviewed this request and denied it because more than five 40,000 sf lots were being created from a single parcel in the Agricultural district.

STAFF COMMENTS:

- A revised sketch plan has been submitted following is a list of changes:
 1. The minimum lot size is 3 acres
 2. All of the lots meet 4:1 lot width to length ratio mandated by Section 921 of the UDO.
 3. The streets have been reconfigured such that Snowden Crossing ends in a “T” intersection with Kermit Court. Kermit Court was originally a double cul-de-sac street. Now the street offers a future street connection to the south. Floyd Lane has been eliminated.
 4. Originally, the future street connection was planned to be Floyd Lane. The street has been eliminated and Kermit Court has been reconfigured to allow for the future street connection to the south.

STAFF RECOMMENDATION:

Staff recommends approval, subject to the Board of Commissioner’s determination that adequate school facilities exist, or will exist, to meet the demands generated by this subdivision. If the Board of Commissioners so finds, staff also recommends the following conditions:

4. That applicant shall be required to meet all requirements of the UDO including, providing adequate fire protection and adequate drainage facilities to serve the development.
5. That a Preliminary Plat shall be submitted for review within 24 months from the date the Sketch Plan is approved by the Board of Commissioners; and
6. That as a continuing condition to this approval, the applicant will meet and continue to meet all requirements of the County’s Unified Development Ordinance.

DISCUSSION

Mr. Hawley asked if all the drainage issues were addressed.

Mr. Bissell said they had been reconfigured to meet the Board’s recommendations.

Sandra Roberts, adjoining property owner asked why the future street connector was to the south.

Mr. Ferguson explained connecting the subdivisions together for planning purposes was what the County now required.

Mrs. Roberts said there are problems such as drainage, flooding, no shoulder. She said that additional homes and traffic would make the problem worse.

Mr. Bell said that drainage issues would be addressed at preliminary plat. The PB knows that there is a safety issue and the issues have been addressed with NCDOT.

Mr. Kovacs said there will not be more run off post development than pre-development as required by the UDO.

Mr. George Berryman adjoining property owner, addressed the dangers of Snowden Rd. He said that there is a portion of the road that is 14' wide. 18' is normal. Said that the road has been resurfaced at the south end and is 17' wide. Asked someone to address the road issue.

Mr. Ferguson said DOT is responsible to approve whether the subdivision can handle the traffic.

Mr. Ferguson referred him to Gretchen Byrum at DOT with road concerns.

Mr. Berryman asked for stormwater drainage clarification with regard to septic system compromise.

Mr. Bissell said that generally the property lines would all have swales for stormwater control. They intend to retain as much as possible on site.

Mr. Berryman asked if the language for the recommendation could be stronger to address the issues. He said that this subdivision doesn't conform to the area. There are 32 homes in 3 mile area.

Mr. Ferguson said the question is more about harmony than conformity and that is for the BOC to make that determination.

PLANNING BOARD RECOMMENDATION

Mr. Etheridge motioned to approve this request subject to the following conditions:

Staff recommends approval, subject to the Board of Commissioner's determination that adequate school facilities exist, or will exist, to meet the demands generated by this subdivision. If the Board of Commissioners so finds, staff also recommends the following conditions:

1. That applicant shall be required to meet all requirements of the UDO including, providing adequate fire protection and adequate drainage facilities to serve the development.
2. That a Preliminary Plat shall be submitted for review within 24 months from the date the Sketch Plan is approved by the Board of Commissioners; and
3. That as a continuing condition to this approval, the applicant will meet and continue to meet all requirements of the County's Unified Development Ordinance.

Mr. Keel seconded the motion. The motion passed unanimously.

PB 04-59 Amendment to modify and correct sections of the UDO to reflect corrections in section references and changes required to be consistent with Article 9, Subdivision Regulations.

Ms. Eggar presented the following amendment to the board.

CURRITUCK COUNTY
PB 04-59
UDO AMENDMENT REQUEST

CURRITUCK COUNTY requests the following amendment to the Currituck County Unified Development Ordinance:

PB 04-02 CURRITUCK COUNTY: Amendment to modify and correct sections of the UDO to reflect corrections in section references and changes required to be consistent with Article 9, Subdivision Regulations.

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

Item 1 That the following section be amended for corrections:

Section 209 Maximum Lot Coverage. (Amended 2/3/03)

1. The maximum percentage of any lot that may be covered shall be subject to the following: (Amended 3/18/96, 7/15/96, 10/7/96)

Description	Total Lot Coverage
Residential districts (for lots not covered below)	30% ¹
GB, LM, HM, C and LBH districts; <i>Shopping Centers</i>	65%¹
Residential lots 10,000 to 19,000 s.f. in area	35% ¹
Residential lots less than 10,000 s.f. in area	45% ¹

Item 2 That the following section be amended for corrections:

Section 805 Shopping Centers.

3. Development standards:

- (b) maximum lot coverage: ~~thirty (30)~~ **sixty five (65)** percent of the tract inclusive of any lot located within the development;

*Minutes are not official until approved by the board.

Item 3 That the following sections be amended to agree with Article 9:

Section 604 Determining Compliance With Section 603

1. Whenever any major subdivision in any residential zoning district proposes to comply with Section 603 by using septic tanks or other ground absorption systems subject to the regulatory jurisdiction of the ~~Currituck County Health Department Albemarle Regional Health Services (A.R.H.S.)~~, no Special Use Permit may be issued (i.e. preliminary plat approval may not be granted) until ~~A.R.H.S. the Health Department~~ has certified that each lot shown on the Preliminary Plat has been inspected and found suitable for a septic tanks or other ground absorption system capable of serving at least a three (3) bedroom house.
2. Final Plat approval for any major, private access, family or minor subdivision that proposes to comply with Section 603 by using septic tanks or other ground absorption systems under the ~~Currituck County Health Department's A.R.H.S.~~ regulatory jurisdiction may not be granted until the ~~Health Department A.R.H.S.~~ has certified that each lot shown on such final plat has been inspected and found suitable for a waste treatment system capable of serving the intended or likely use of such lot. ~~Health Department A.R.H.S.~~ certification under Subsection (1) shall suffice to comply with this Subsection so long as there has been no substantial change between the preliminary and final plats of the subdivision in question. (Amended 2/3/97)
3. Whenever a development proposes to comply with Section 603 by resorting to a sewage treatment system not subject to the regulatory jurisdiction of the ~~Currituck County Health Department Albemarle Regional Health Services~~, any development permit issued under this Ordinance shall be regarded as issued contingent upon the developer (I) obtaining necessary approvals for such sewage treatment system from the appropriate regulatory agencies, and (ii) properly installing such system to serve the development. All permits shall be obtained prior to preliminary plat approval. No final plat approval shall be issued until all utilities including water ~~or and~~ sewer treatment systems are operational to the satisfaction of the County ~~or if the improvements are secured in accordance with Section 2016, if applicable~~. Where sand lined trench waste water treatment systems are used to satisfy Section 603 in minor, ~~and~~ private access ~~subdivisions and family subdivisions~~, installation of the system shall not be required until such time as a building permit is requested and a building is constructed. (Amended 2/3/97)

Item 4 That the following sections be amended to correct section references and agree with Article 9:

Section 2016 Authorizing Use, Occupancy, or Sale Before Completion of Development Under Special Use or Conditional Use Permits.

1. In cases when, because of weather conditions or other factors beyond the control of the Special Use or Conditional Use Permit recipient (exclusive of financial hardship) it would be unreasonable to require the Permit recipient to comply with all of the requirements of this Ordinance before commencing the intended use of the property or occupying any buildings or selling lots in a subdivision (with the exception of water and sewer plant systems ~~as noted in subsection 2 below~~), the permit issuing Board may authorize the commencement of the intended use or the occupancy of buildings or the sale of subdivision lots (insofar as the requirements of this Ordinance are concerned) if the permit recipient meets the conditions of Section ~~913 914(3) and 923 1013, or 1113~~ as applicable in a manner satisfactory to the County to ensure that all of these requirements will be fulfilled within a reasonable period (not to exceed six (6) months).
- ~~2. With respect to centralized water and sewer treatment plant construction, a Performance Bond may be posted with the County for a period of one (1) year from Final Plat approval (first Final Plat approval granted if developed in phases or sections) to guarantee construction of the system. Further, the permit issuing Board~~

~~may grant up to two (2) 1-year extensions provided the applicant prepare and present to the permit issuing Board a report outlining the current status of the system and development prior to the expiration date of the currently held bond. If the extension request is denied by the permit issuing Board, the permit recipient shall be granted a six (6) month period from denial date to complete installation of the required improvements provided the recipient extends the currently held bond to cover this period. Failure to extend the bond prior to expiration date shall give cause for the County to execute the bond.~~

3.2 When the Board imposes additional requirements upon the permit recipient in accordance with this Article or when the developer proposes in the plans submitted to install amenities beyond those required by this Ordinance, the Board may authorize the permittee to commence the intended use of the property or to occupy any building or to sell any subdivision lots before the additional requirements are fulfilled or the amenities installed if it specifies a date by which or a schedule according to which such requirements must be met or each amenity installed and if it concludes that compliance will be ensured as the result of any one (1) or more of the following:

- (a) the permit recipient complies with the conditions of Section ~~913, 914(3) or 923, 1013 or 113~~ as applicable in a manner satisfactory to the Board;

Item 5 That the following section be amended to correct an omission:

Section 914 Streets

Street Standards for Subdivisions					
	Right-of-Way*	Pvm't/Shoulder Width – Local Road	Pvm't/Shoulder Width – Collector Road	NCDOT Design Std.	NCDOT Construction Std.
Family	20' min.	16' 2'	N/A	No	No
Private Access	45' min.	18' 4' **	N/A	No	Yes
Conventional Subdivision Up to 10 Lots & 5+ Ac Lots	45' min.	18' 6' ***	20' 8'	Yes	Yes
Conventional Non-Residential	45' min.	20' 6' ***	20' 8'	Yes	Yes
Open Space	45' min.	18' 6' ***	20' 8'	Yes	Yes
Conservation	<u>45' min.</u>	18' 6' ***	20' 8'	Yes	Yes
PRD & PUD	30' min.	20' N/A OR 1 Way - 14' N/A	N/A	No	Yes
Residential Airpark Dev.	45' min.	18' 6' **	N/A	Yes	Yes

* 100' Right-of-way required for NC12 within the RO1 zoning district

** Non-Residential pavement width shall be 20'

*** May reduced to 4' with NCDOT approval

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

*Minutes are not official until approved by the board.

Board of Commissioners' Chairman

Attest:

Gwen Tatem,
Clerk to the Board

DATE ADOPTED: _____
MOTION TO ADOPT BY COMMISSIONER: _____
SECONDED BY COMMISSIONER: _____
VOTE: _____AYES_ NAYS

PLANNING BOARD DATE: 9/14/04
PLANNING BOARD RECOMMENDATION: Approval
VOTE: AYES: 8 NAYS: 0
ADVERTISEMENT DATE OF PUBLIC HEARING: _____
BOARD OF COMMISSIONERS PUBLIC HEARING: _____
BOARD OF COMMISSIONERS ACTION: _____
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: _____
AMENDMENT NUMBER: _____

DISCUSSION

Mr. Hawley asked about how item 4 was stated before.

Ms. Eggar said that the item stated that the water and wastewater improvements could be built at a later time

Mr. Ferguson said that with phasing, the preliminary plat – final plat infrastructure (water, sewer, etc) should support the development.

Mr. Hawley asked if tap fees were paid up front for a project that wasn't to be completed for 10 years.

Mr. Riley motioned to approve the amendment as presented.

Mr. Winter seconded the motion. The motion passed unanimously.

REVIEW OF REVISED CURRITUCK COUNTY HAZARD MITIGATION PLAN.

DISCUSSION

Mr. Ferguson said that preliminary draft of the plan presented in 02. Stanley Griggs received a letter indicating that the plan wasn't adequate. County needed public involvement in order to be eligible for disaster funds.

LUP and Hazard Mitigation plan should compliment each other.

The County recently received new flood maps which, raised base flood elevation in some areas. Mr. Ferguson gave a brief discussion on 'free board', elevating above the minimum requirement, reducing flood insurance. Everyone should be getting a discount on flood insurance because the County is in the 'Community Rating System' (CRB) of the policies in place. Extra construction costs will need to be considered in adopting a 'Free-Board' standard.

Mr. Hawley asked if it had to do with lot elevation.

Mr. Ferguson said yes.

Mr. Hawley asked if the Building Ordinances would have to change. Mr. Ferguson responded 'no' as this is a land use issue.

Mr. Riley commented that would affect ground floor living space.

Mr. Bell commented that would also affect the height requirement.

Mr. Ferguson said that some communities measure height from finished grade or from minimum base flood elevation. Overfill sometimes translates into flooding problem.

Mr. Ferguson said there are annual reports to FEMA after adopting the plan to ensure that the Mitigation Plan is kept current.

Mr. Bell suggested tabling the item to give the board more time to review.

Mr. Hawley asked what the staff recommendation is.

Mr. Ferguson said approval.

Mr. Riley motioned for approval

Mr. Midgett seconded the motion. Motion passed unanimously.

PB 04-62 Amendment to UDO prohibiting billboards and off-premise signs in Currituck County.

Kate McKenzie appeared before the board.

Ms McKenzie presented the following amendment to the board.

The Twiford Law Firm, P.C.
Attorneys At Law

TO: Currituck County Planning Board
Gary Ferguson, Planning Director

FROM: Katherine F. McKenzie

DATE: September 7, 2004

RE: Amended Sign Ordinance (Article 17)

MEMORANDUM

I have been requested by the Commissioners to draft an ordinance prohibiting billboards and off-premises signs in Currituck County. Since the UDO already contains an Article devoted to signs, I simply edited that Article to make the necessary changes. This memorandum is simply an explanation of the changes you will see that I have made to Article 17.

1. After discussing it with Gary, we decided to leave the definitions for a “billboard” and “off-premises signs” in Section 1701. Leaving the definitions in the ordinance will clarify for everyone which signs are being prohibited.
2. I considered striking Section 1703 altogether. Although this section is entitled “Certain Temporary Signs,” the entire section is devoted to temporary off-premises signs. However, I believe it is a policy decision to be made by you as the Planning Board or by the County Commissioners if temporary off-premises signs should be prohibited also.
3. I have also stricken Part 2 entitled “Off-Premise Signs” in its entirety for the same reason. At the recommendation of the Planning Department,

however, I have taken a portion of Part 2 and added it to Section 1710. Section 1715 entitled “Unlawful Cutting of Trees or Shrubs” has now been added as provision #12 under Section 1710.

4. Throughout the ordinance, I have stricken any references to “billboards,” “off-premises signs,” and the Sections I have stricken.
5. As for the overall prohibition of billboards and off-premises signs, I included provision #8 under Section 1709 entitled “Miscellaneous Restrictions and Prohibitions.” This provision states “[n]o billboards or off-premise signs shall be erected or maintained.”
6. I decided to leave Section 1710 on nonconforming signs in the ordinance since Article 15 does not cover such signs. Due to the moratorium on ordinances amortizing existing billboards and off-premise signs, I cannot include such a provision. There is also a policy decision to be made regarding Section 1710. Provisions #4, 5, and 6 in Section 1710 involve the replacement of off-premise signs and billboards. I have decided to leave these sections in the ordinance; however, you may decide you do not want to allow the relocation or replacement provided for in these sections.
7. Finally, I have added a provision regarding the reestablishment of billboards and off-premise signs after damage or destruction. This provision has been included as provision #11 under Section 1710 on nonconforming signs.

If you have any questions or concerns regarding the changes I have made to Article 17, please feel free to contact me at 435-2811. Thank you.

ARTICLE 17

SIGNS

PART 1. GENERAL PROVISIONS FOR ALL SIGNS

Section 1702 Signs Excluded From Regulation.

1. The following signs are exempt from regulation under this Article except for those stated in Section 1714 (Miscellaneous Restrictions and Prohibitions): **(Amended 11/6/95)**
 - (a) signs proclaiming religious, political, or other non-commercial messages (other than those ~~regulated by section 1703(1)(a)~~ that do not exceed one (1) per lot and thirty-two (32) square feet in area and that are not internally illuminated;

Section 1704 Sign Permits.

1. Except as otherwise provided in Sections 1702 (Signs Excluded from Regulation) and 1703 (Certain Temporary Signs: Permit Exceptions, and Additional Regulations), no on

premise signs ~~and no off-premise signs~~ may be constructed, erected, moved, enlarged, illuminated, or substantially altered except in accordance with a sign permit issued pursuant to this section. **(Amended 11/6/95)**

2. An application for a sign permit shall be submitted to the Administrator. The Administrator may require the applicant to complete a form supplied by the county and submit whatever information, including plans and specifications, if reasonably required by the Administrator to determine whether the proposed sign will comply with the provisions of this Article. A sign permit from the building inspector, certifying that the sign complies with the North Carolina State Building Code, will also be needed in most every case, even when the sign is exempt under this Ordinance. ~~*In addition, most off-premise signs will also require a permit from the North Carolina Department of Transportation.*~~ (Amended 11/6/95)

Section 1709 Miscellaneous Restrictions and Prohibitions.

8. ***No new billboards or off-premise signs shall be erected or maintained except in accordance with Section 1710 on nonconforming signs.***

Section 1710 Nonconforming Signs.

4. A nonconforming off-premise sign may be replaced on the same location so long as: **(Amended 4/17/00)**
 - (a) the new sign does not exceed the specifications of the nonconforming sign being replaced in terms of height, display surface area, number of sides, setback and illumination; **(Amended 11/6/95)**
 - (b) application for a permit to erect the new sign is made within 180 days after the existing nonconforming sign is removed; and
 - (c) The new sign is located within the footprint boundaries of the nonconforming off-premise sign being replaced. In the case of nonconforming on-premise signs, the sign can be relocated on the same property subject to applicable setback standards. **(Amended 11/6/95)**
5. When all or a portion of a nonconforming sign will be removed as part of a state road widening project, then such nonconforming sign may be relocated or replaced in a manner not to exceed the specifications of the original sign (i.e. height, size, lighting, etc.) subject to the following: **(Amended 5/15/95, 9/18/95)**
 - a. the relocation or replacement shall be parallel to the original sign location away from the right-of-way; and,

- b. application for a permit to erect the new sign or replace what was lost for a sign partially in the right-of-way is made within 180 days after the existing nonconforming sign is removed.
8. If a nonconforming billboard remains blank for a continuous period of twelve (12) months, that billboard shall be deemed abandoned and shall, within thirty (30) days after such abandonment, be altered to comply with this Article or be removed by the sign owner, owner of the property where the sign is located, or other person having control over such sign. For purposes of this Section, a sign is “blank” if:
- (a) it advertises a business, service, commodity, accommodation, attraction, or other enterprise or activity that is no longer operating or being offered or conducted; or,
 - (b) the advertising message it displays becomes illegal as whole or substantial part; or,
 - (c) the advertising copy, other than the rental of the sign, has been removed.
11. All legal, non-conforming billboards and off-premise signs are permitted to continue, provided such signs and billboards conform to the provisions found in this Article and shall not be reestablished after damage or destruction if such damage to the sign or billboard exceeds fifty (50) percent of the sign’s current assessed tax value. The extent of damage shall be determined by the sign administrator or his designee.
12. If the message portion of an off-premises sign is removed, leaving only the supporting “shell” of a sign or the supporting braces, anchors, or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within thirty (30) days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This Subsection shall not be constructed to alter the effect of subsection 1715 (4). Nor shall this Subsection be constructed to prevent the changing of the message of a sign. (Amended 11/6/95)
13. The area within ten (10) feet in all directions of any part of an off-premises freestanding sign shall be kept clear of all debris and all wide undergrowth more than twelve (12) inches in height
14. Unlawful Cutting of Trees or Shrub
- (a) No person may, for the purpose of increasing or enhancing the visibility of any non-conforming billboards and off-premise signs, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located:
 - (b) Within the right-of-way of any public street or road, unless the work is done pursuant to the express written authorization of the North Carolina Department of Transportation;

- (c) On property that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located; and,
 - (d) In any area where such trees or shrubs are required to remain under a permit issued under this Ordinance.
15. All off-premises signs and all components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair. With respect to off-premises freestanding signs, components (supporting structures, back, etc.) not bearing a message shall be constructed of materials that blend with the natural environment or shall be painted a neutral color to blend with the natural environment.

PART 2 OFF-PREMISE SIGNS

Section 1711 Setback and Height Requirements for Off-Premise Signs:

- ~~1. No off-premises sign or any part thereof may be located closer than 15 feet to a street right-of-way. (Amended 11/6/95)~~
- ~~2. Off-premises signs shall not be located within the minimum side and rear yards required by Article 2.~~
- ~~3. No off-premises sign may extend above any parapet or be placed upon any roof surface, except that for purposes of this Section, roof surfaces constructed at an angle be regarded as wall space. This Subsection shall not apply to displays, including lighting, erected in connection with the observation of holidays on the roofs of residential structures.~~
- ~~4. No off-premises sign or supporting structure may be located in or over the traveled portion of any public right-of-way.~~
- ~~5. No part of a freestanding off-premises sign may exceed a height, measured from ground level, of twenty (20) feet, unless the sign is placed lower than the road bed, under which circumstances the sign may have a height equal to twenty (20) feet above the road bed, not to exceed twenty-five (25) feet from ground level.~~

Section 1712 Size, Spacing, and Other Requirements for Off-Premises Signs:

- ~~16. An off-premises sign may not exceed 300 square feet in surface area.~~
- ~~17. An off-premises sign attached to the wall of a structure may not exceed thirty (30) percent of the total surface area of the wall on which the sign is located.~~

~~18. No off-premises sign may be located on the same wall as any other off-premises sign.~~

~~19. No off-premises sign or any part thereof may be located within 1,500 feet on the same side of the road of any part of another off-premises sign (other than temporary signs regulated under Subsection 1702(1) or exempt signs on same side of road or highway). For purposes of determining the permissible location of an off-premises sign:~~

~~(a) a sign for which a permit authorizing initial construction was issued prior to the permit for the off-premises sign in question shall be regarded as existing from the date the permit for such other sign was issued (unless such permit has expired or been revoked); and,~~

~~(b) a nonconforming sign that has been removed for the purpose of being replaced in accordance with Section 1715(4) shall be regarded as existing, provided that the sign has not been removed for more than 180 days without application for its replacement having been made as required by Section 1715(4)(b).~~

~~20. The size and height of off-premise directional signs shall be determined by the Currituck County Board of Commissioners but in general, shall be similar in dimensions to street name signs. Offpremise directional signs shall be located in accordance with NCDOT standards or may be located on private property with a zero setback. (Amended 11/6/95)~~

Section 1713 Sign Illumination.

~~1. Unless otherwise prohibited by this Article, off-premises signs may be illuminated if such illumination is in accordance with this section.~~

~~2. No off-premises sign within 250 feet of a pre-existing residence not owned by the owner of the sign may be illuminated between the hours of 12:00 midnight and 6:00 a.m., unless the impact of such lighting beyond the boundaries of the lot where the sign is located is entirely inconsequential. A residence shall be deemed "pre-existing" for the purposes of this Subsection if it existed (or construction of the residence had begun) before a permit was issued under the NC State Electrical Code authorizing the installation of the lighting.~~

~~3. Lighting directed toward an off-premises sign shall be shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or residential premises.~~

~~4. No off-premises sign may contain or be illuminated by flashing or intermittent lights or lights of changing degrees of intensity, except signs indicating the time, date, weather conditions, or similar information.~~

Section 1714 Maintenance of Signs.

- ~~1. All off-premises signs and all components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair. With respect to off-premises freestanding signs, components (supporting structures, back, etc.) not bearing a message shall be constructed of materials that blend with the natural environment or shall be painted a neutral color to blend with the natural environment.~~
- ~~2. If an off-premises sign other than a billboard advertises a business, service, commodity, accommodation attraction or other enterprises or activity that is no longer operating or being offered or conducted that sign shall be considered abandoned and shall, within thirty (30) days after such abandonment, be removed by the sign owner, owner of the property where the sign is located, or other party having control over such sign.~~
- ~~3. If the message portion of an off-premises sign is removed, leaving only the supporting "shell" of a sign or the supporting braces, anchors, or similar components, the owner of the sign or the owner of the property where the sign is located or other person having control over such sign shall, within thirty (30) days of the removal of the message portion of the sign, either replace the entire message portion of the sign or remove the remaining components of the sign. This Subsection shall not be constructed to alter the effect of subsection 1715 (4). Nor shall this Subsection be constructed to prevent the changing of the message of a sign. (Amended 11/6/95)~~
- ~~4. The area within ten (10) feet in all directions of any part of an off-premises freestanding sign shall be kept clear of all debris and all wide undergrowth more than twelve (12) inches in height.~~

Section 1715 Unlawful Cutting of Trees or Shrubs.

- ~~1. No person may, for the purpose of increasing or enhancing the visibility of any off-premises sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located:

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

Section 1310

Table of Permissible Uses.

(Z - Zoning Permit; C - Conditional Use Permit; S - Special Use Permit)

<u>USE #</u>	<u>DESCRIPTION</u>	<u>A</u>	<u>RA</u>	<u>R</u>	<u>RO1</u>	<u>RO2</u>	<u>RR</u>	<u>GB</u>	<u>C</u>	<u>LBH</u>	<u>LM</u>
<u>HM</u>											
	29.000 Off-premises signs							Z	Z		

DISCUSSION

Mr. Keel asked if this is for billboard or off premise signs.

Mr. Ferguson said that it is for both.

Mr. Riley asked what a 'temporary' sign is.

Mr. Ferguson used Powell's Market as an example.

Mr. Hawley asked about losing a sign due to storm damage.

Mr. Ferguson said that right now signs can be replaced within a period of 180 days even if sign is non-conforming.

Mr. Hawley asked if there is a construction requirement.

Mr. Ferguson said that there are wind zone requirements. OSHA requires certain standards on scaffolding, but yes, a building permit would be required.

Mr. Kovacs asked about making a requirement for taking down the signs in the event of the sale of the property for development.

Mr. Ferguson said this could possibly be a requirement for existing billboards.

Mr. Hawley asked if the sign permits were transferable in the event of the sale of property.

Mr. Ferguson said that they are.

Mr. Kovacs said billboards on a large parcel should be taken down before property is developed.

Mr. Ferguson said that development would have to be defined.

Mr. Keel asked if this would stop all new billboards.

Mr. Ferguson said yes.

Mr. Hawley asked if a sign that is more than 50% destroyed cannot be re-erected if it is non conforming.

Mr. Hawley motioned to table the amendment for further review.

Mr. Midgette seconded the motion. The motion passed unanimously.

OLD BUSINESS

Mr. Bell asked for NCDOT driveway workshop and Mike Doxey presentation on drainage.

ADJOURNMENT

There being no further business to discuss, Mr. Riley motioned for adjournment. Mr. Midgette seconded the motion and the motion passed unanimously. The meeting adjourned at 9:50 p.m.

Respectfully Submitted,

Tammy J. Underwood /s/

Clerk to the Board