

## **CURRITUCK COUNTY PLANNING BOARD**

May 10, 2005

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 April 12, 2005. The following members were present: Bobby Bell, Horace Bell, Alvin Keel, Joe Kovacs, Forrest Midgette, Pat Riley, William Etheridge, and Arthur Winter. Absent: Eddie Hawley, William Etheridge. Cheryl Eggar, Planner, and Gary Ferguson, Planning Director, were also present.

Planning Board Chairman Bell called the meeting to order, announced a quorum had been met. None of the members disqualified themselves from voting on any of the times on the agenda.

### **APPROVAL OF MAY 10, 2005 AGENDA**

Mr. Riley motioned to approve the May 10, 2005 agenda. Mr. Keel seconded the motion. Motion passed unanimously.

### **APPROVAL OF APRIL 12, 2005 MINUTES**

Mr. Midgette motioned to approve the April 12, 2005 minutes as presented. Mr. Riley seconded the motion and the motion passed unanimously.

Yates Barber, Gil Falasco, Pat McDowell, Leland Gibbs, and Pat Irwin appeared before the board.

### **PB 05-07 Amendment Currituck County. Amendment to Section 616 "Backwash or Discharge into Water Bodies" of the UDO**

Mr. Ferguson presented the following case analysis to the board.

#### **UDO AMENDMENT REQUEST**

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

PB 05-07 Currituck County Amendment to Section 616 "Backwash or Dishcharge into Water Bodies" of the UDO

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:

Part 1. That the following sections be amended:

#### **Section 616 Backwash or Discharge Into Water Bodies.**

- 1. No discharge of any nature (except discharges approved under a State Stormwater permit or as provided in #2 below) what so ever of water, chemicals, treated water, backwash from reverse osmosis systems, or other discharge shall be deposited directly or indirectly into the waters of Currituck Sound, Albemarle Sound, or their adjoining tributaries, rivers, streams, creeks, canals, or other connecting waterways. **This prohibition shall not apply to reverse osmosis system discharges performed by any unit of government (Federal, State, County) which has all the necessary Federal, State, and local permits for such discharges and having undertaken the necessary studies including but not limited to an "Environmental Assessment" (E.A); a "Draft Environmental Impact Statement" (D.E.I.S.) and/or "A Finding of No Significant Impact" (FONSI).**

Part 2. That the following sections be amended:

Part 3. This ordinance amendment shall be in effect from and after the \_\_\_\_ day of \_\_\_\_, 2002.

\_\_\_\_\_  
Chairman, Board of Commissioners

Attest:

\_\_\_\_\_  
Gwen Tatem,  
Clerk to the Board

DATE ADOPTED: \_\_\_\_\_  
MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_  
SECONDED BY COMMISSIONER: \_\_\_\_\_

VOTE: \_\_\_\_ AYES \_\_\_\_ NAYES

\*\*\*\*\*  
PLANNING BOARD DATE: \_\_\_\_\_  
PLANNING BOARD RECOMMENDATION: \_\_\_\_\_  
Ayes \_\_\_\_\_ Naves \_\_\_\_\_  
ADVERTISEMENT DATE OF PUBLIC HEARING: \_\_\_\_\_ and \_\_\_\_\_

\*Minutes are not official until approved by the board.

BOARD OF COMMISSIONERS PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_  
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_

AMENDMENT NUMBER: \_\_\_\_\_

## DISCUSSION

Mr. Barber spoke about NC regulations and said that RO discharge cannot be discharged into water that is not similar. Salt water can only be discharged into salt water, salt water into fresh water would not be permitted. He mentioned the chemicals and elements that would be a problem if they were in the water that is discharged because of the effect they would have on animals in the water. Mr. Barber is opposed to the discharge of salt water into the Sound. His recommendation is to take the discharged water to the Ocean.

Mr. Kovacs asked if the metals could be extracted from the discharge.

Mr. Barber said they could, if cost isn't a factor. An ordinary water treatment plant wouldn't pull them out.

Pat Irwin spoke to the board about the Dare County RO plants.

Mr. Bell asked if a retention pond was an option.

Mr. Irwin said that becomes very expensive and would inevitably need to be carried away.

Pat McDowell discussed the permitting process for an RO discharge. He said that there will be a fact finding evaluation to find out what plant and animal species are in the location the county is proposing for the discharge. Without the amendment to the UDO, the State will not even begin the evaluation process.

Mr. Jerry Wright, resident of Jarvisburg, spoke against the amendment.

Mr. Riley motioned to approve the request as presented. Mr. Kovacs seconded the motion. Motion was denied with Mr. Kovacs and Mr. Riley voting for the amendment and Mr. Bobby Bell, Mr. Winter, Mr. Midgette, and Mr. Keel voting against it.

Bonnie McCarthy, Alicia McDonnell appeared before the board.

**PB 05-03 Amendment Corolla Concerned Citizens Sign Committee. Amendment to Article 17, Part 4, and Article 6, Section 620 to modify the sign regulations for the**

## Currituck County Outer Banks Overlay District.

Mr. Ferguson presented the following case analysis to the board

The following amendment to the Currituck County Unified Development Ordinance has been requested:

PB 05-03 Corolla Concerned Citizens, Sign Committee requests an amendment to Article 17, Part 4, and Article 6, Section 620 of the UDO to modify the sign regulations for the Currituck County Outer Banks Overlay District.

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

Part 1. That the following sections be amended:

### Part 4. ON-PREMISE SIGNS –OUTER BANKS OVERLAY DISTRICT

#### **~~Section 1712 Number and Area of On-Premise Signs in Outer Banks Overlay District Within Poplar Branch Township.~~**

- ~~1. Sign area shall be determined by drawing the smallest geometric form to encompass the extreme limits of the writing, representation, emblem, color, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. Sign area shall not include any supporting framework, bracing, or decorative fence or wall when such fence or wall otherwise meets the Unified Development Ordinance regulations and is clearly incidental to the display itself. The area of a double faced sign shall be the area of one face of the sign provided the two faces are of the same size and are parallel to one another with no more than twenty four (24) inches between each sign face. In the event of "V" shaped signs, there shall be no more then six (6) feet separating the end of the sign. (Amended 11/6/95)~~

#### **~~Section 1713 Illumination of On-Premise Signs in Outer Banks Overlay District Within Poplar Branch Township.~~**

- ~~1. Internally illuminated signs are prohibited. Only indirectly illuminated signs are permitted. The light source shall not be visible from any public or private street right-of-way or from exterior property lines. Further, no sign shall be erected which contains, employs, or utilizes lights or lighting which rotates, flashes, moves or alternates except for approved time and temperature signs. (Amended 11/6/95)~~
- ~~2. All illuminated freestanding signs shall be turned off during nonoperating hours to decrease unneeded lighting. (Amended 7/1/02)~~

#### **~~Section 1714 Setbacks for On-Premises Signs in the Outer Banks Overlay District Within Poplar Branch Township.~~**

- ~~1. Unless otherwise provided, no sign shall be located within any public or private right-of-way or within thirty (30) feet of the centerline of any public or private right of way,~~

whichever is greater. Further, no sign shall be located within ten (10) feet of any side or rear property line and within a site distance triangle as established in Section 1709(2).  
**(Amended 4/17/00)**

**~~Section 1715 Permitted On-Premise Signs in Designated Residential Areas in the Outer Banks Overlay District Within Poplar Branch Township.~~**

1. ~~One (1) on-premise sign or bulletin board not to exceed twelve (12) square feet for any permitted church, school, or other semi-public institution. Such sign or board shall be setback at least fifteen (15) feet from any property line.~~
2. ~~Signs announcing the name of a subdivision located on the premises at the major entrances provided that such signs are neatly constructed and maintained; limited to only announcing the name of the subdivision; do not obstruct corner visibility; and do not exceed fifty (50) square feet in display area. The area of any base, pedestal or monument that is used to display such a sign shall not exceed six (6) feet in height.~~
3. ~~"Yard Sale", "Open House" signs and banners, provided such signs are removed no later than sunset of the day during which they are displayed.~~

**~~Section 1716 Sign Requirements in Designated Commercial Areas in the Outer Banks Overlay District Within Poplar Branch Township.~~**

1. ~~Total signage for each lot, tract or parcel in a designated commercial area, including wall and free-standing signs, shall not exceed one (1) square foot of sign area for each two (2) linear feet of frontage along a street right-of-way, not to exceed sixty-four (64) total square feet.~~
2. ~~Wall Signs: wall signs placed against the exterior walls of the building shall not extend more than three (3) feet beyond the building wall surface and shall not exceed twenty (20) percent of the exposed finished wall surface area, including openings. **(Amended 11/6/95)**~~
3. ~~Freestanding Signs: one (1) freestanding sign per lot shall be permitted at a height not to exceed eight (8) feet. Height shall be measured from the average grade level to the highest point of the sign, including supports, framing, and the like. The maximum freestanding sign area shall not exceed thirty-two (32) square feet.~~
4. ~~Window Signs: window signs shall be placed only inside a commercial building and shall not exceed twenty-five percent (25%) of the glass area of the pane upon which the sign is displayed.~~
5. ~~Combination Uses: freestanding and wall signs for combination uses shall be in accordance with the following:~~
  - (a) ~~freestanding signs: one (1) freestanding sign announcing the name of the combination use and/or tenants per street frontage; eight (8) feet in height; thirty-two (32) square feet maximum area; ten (10) feet setback from any right-of-way and any adjoining property line; and,~~
  - (b) ~~wall signs: one and one-half (1.5) square feet of sign area per one (1) foot of building width where the use is located provided the sign is placed on a wall that is oriented towards a public street or interior drive where a public entrance into the building is located; all uses allowed a maximum of thirty-two (32) square feet sign; no wall sign~~

~~may project more than twelve (12) inches from the structure to which it is attached nor may it extend above the roof line. **(Amended 4/17/00)**~~

~~6. Shopping center signs shall be in accordance with the provisions listed below. **(Amended 4/17/00)**~~

~~(a) freestanding signs: one (1) freestanding sign announcing the name of the shopping center and/or tenants per street frontage. The sign shall not exceed eight (8) feet in height and thirty two (32) sq. ft. in area. The sign shall not be required to observe setbacks from street right of ways but shall be subject to a 10'x35' site triangle and be setback thirty (30) feet from any adjoining property line. All out parcels shall be permitted to have one on premise ground sign per street front not to exceed eight (8) feet in height and thirty two (32) square feet in area provided the sign is not located in any site triangle and is five feet from interior lot lines. **(Amended 10/19/93, 11/6/95, 1/4/99, 4/17/00)**~~

~~(b) wall signs: one and one half (1.5) square feet of sign area per one (1) foot of building width where the use is located provided the sign is placed on a wall that is oriented towards a public street, public vehicular access, public drive aisle leading to public parking or public entrance. All uses are allowed a maximum of thirty two (32) square foot wall sign. No wall sign may project more than three (3) feet from the structure to which it is attached nor may it extend above the roof line. **(Amended 11/6/95, 4/17/00)**~~

~~7. Temporary signs shall be permitted as provided below.~~

~~(a) between October 1 and May 1, each business that remains open may display one temporary sign not to exceed six (6) sq. ft. per side and four (4) feet in height to help inform guest during the off season what businesses are open. The temporary sign must be on the property where the business is located outside of site triangle at driveways so as not to block views and shall not be lighted. Further, "Open House" and "Agent on Duty" signs shall not be allowed at real estate offices except as may be allowed between October 1 to May 1. **(Amended 4/17/00)**~~

## **Section 1712 Currituck Outer Banks Overlay District.**

**All the area beginning at the southern Outer Banks Currituck/Dare County line from one thousand (1,000) feet west of the Currituck Sound shoreline to one thousand (1,000) feet east of the Atlantic Ocean mean high water line, and continuing north (approximately 23 miles) to the North Carolina/Virginia State line. This area intersects Poplar Branch and Fruitville Townships.**

## **Section 1713 Purpose.**

- 1. To protect the public welfare and the Currituck Outer Banks Overlay District property values by preserving the aesthetic qualities of the unique natural environment that distinguishes the area.**
- 2. Preserving the environment from excessive and obtrusive signs is a matter of critical importance to the Currituck Outer Banks economic reliance on the resort and tourism industry.**

3. **To promote the safety of persons and property by providing that signs do not create traffic hazards or hazards due to collapse, fire, collision, decay or abandonment.**
4. **To promote the efficient transfer of general public and commercial identification or information by improving the legibility and effectiveness of signs through the control of their number, location, size, appearance, illumination, and animation.**

## **Section 1714 Definitions.**

**Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this article.**

**Awning Sign: Any printed message on an awning.**

**Billboard: An off-premise sign owned by a person, corporation, or other entity that engages in the business of selling and advertising space on that sign.**

**Combination Use: A use consisting of a combination on one lot of two (2) or more principal uses separately listed in the Table of Permissible Uses, Article 13. Under some circumstances a second principal use may be regarded as accessory to the first, and thus a combination use is not established. In addition, when two (2) or more separately owned or separately operated enterprises occupy the same lot, and all such enterprises fall within the same principal use classification, this shall not constitute a combination use.**

**Commercial: Any activity (i) for profit; (ii) co-located with a nonprofit activity but operated in whole or mainly for profit; (iii) ostensibly for a non-profit purpose but more than twenty (20) percent of the gross receipts are used to pay for other than nonprofit purposes.**

**Commercial Area: A group of commercial establishments that include off-street parking that encompass less than four (4) acres of area. A commercial area will include combination uses on one lot.**

**Contractor Sign: Sign placed at a home or building site displaying the name and phone number of the contractor performing the work.**

**Cottage Sign: Sign placed on a home or house displaying the name of the house or cottage.**

**Designated Residential Area: A generally recognized residential development such as, but not limited to, Pine Island, Spindrift, Currituck Club, Ocean Sands South, Ocean Sands, Crown Point, Buck Island, Whalehead Beach, Monterey Shores, Corolla Light, Ocean Hill-1, The Villages at Ocean Hill, all North Beach areas.**

**Designated Residential Area Sign: A sign at the entrance of a designated residential area identifying the name of the community.**

**Display Board: Electronic display with changing light indicators such as time and temperature displays.**

**Directional Sign:** An off-premise sign that displays the name of a business or other location or activity and the direction in which it is located (for example a church or open house).

**Freestanding Sign:** A sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame, or other structure) that is not itself an integral part of a building or other structure.

**Illegal Sign:** Any sign that does not have a valid permit.

**Internally Illuminated Sign:** (Not permitted in the Outer Banks Overlay District) A sign where the source of the illumination is inside the sign and light emanates through the message of the sign, rather than being reflected off the surface of the sign from an external source. Without limiting the generality of the foregoing, signs that consist of or contain tubes that (i) are filled with neon or some other gas that glows when an electrical current passes through it and (ii) are intended to form or constitute all or part of the message of the sign, rather than merely providing illumination to their parts of the sign that contain the message, shall also be considered an internally illuminated sign.

**Landscape Sign:** Any commercial sign placed within a landscaped area.

**Non-conforming sign:** A sign that on the effective date of this Ordinance does not conform to one (1) or more of the regulations in this ordinance that would qualify it for a permit or an exemption.

**Off-premise sign:** (i) A sign that is not an on-premise sign; (ii) A sign, permanent or temporary, for any activity that does not exist or is not conducted, sold, offered, maintained, or provided on the premise where the sign is located; or, (iii) A sign offering real estate or other property for sale or lease on property for sale or lease unless an agent is on duty at the location of the sign.

**On-premise sign:** A sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided on the premises where the sign is located.

**Open House Sign:** A sign placed along the highway pointing towards a model home or a home that is For Sale, or placed in front of the home that is and open for public viewing.

**Out-Parcel:** A parcel or lot within a Commercial Area or Shopping Center area that is zoned commercial and is a separate unit within the Commercial Area or Shopping Center area.

**Political Sign:** A sign posted prior to and during an election to solicit votes.

**Public Road:** Roads maintained by North Carolina Department of Transportation.

**Railing Sign:** A sign attached to a railing.

**Real Estate For Sale Sign:** A sign placed on a property for sale, identifying the Real Estate Company or Agent and a phone number.

**Roof Sign:** A sign placed on the roof.

**Sandwich/Tent Sign:** temporary sign regulated by season.

**Shopping Center:** A group of commercial establishments planned, developed and/or managed as a unit with off-street parking provided on the property that is located on a tract of land at least four (4) acres in area.

**Sign:** Any device that serves to indicate the presence or existence of something where such device is located.

**Sign Size:** The area of a sign is determined by measuring the maximum height point and maximum width point including the base and supports. The resulting two values are multiplied together and the resulting value is the sign size or area.

**Site Triangle:** A triangular shaped portion of land established at street and driveway intersections in which nothing is erected or placed in such a manner as to limit or obstruct the line of sight of motorists entering or leaving an intersection or business. The site triangle is 10' x 70' where public road rights-of-way intersect and, 10' x 35' where driveways intersect with road rights-of-way.

**Special Event:** A circus, fair, carnival, festival, or other type of special event that (i) runs for longer than one (1) day but not longer than two (2) weeks, (ii) are intended to or likely to attract substantial crowds, and (iii) are unlike the customary or usual activities generally associated with the property where the special event is to be located.

**Temporary sign:** A sign that is not bolted to or otherwise affixed to the ground or a permanent structure in some other substantially permanent way or a sign that is not intended to be permanent.

**Vehicle Sign:** A sign on any type of wheeled vehicle, including towed trailers, that is owned by a local business.

**Wall Sign:** A sign placed on the wall in front of a business unit within Shopping Center, Commercial Area, or Out Parcel.

## **Section 1715 Prohibited Signs.**

1. Except as may be hereinafter specifically permitted, it shall be unlawful after the date of the adoption of this Article for any person to erect, place or use within the Currituck Outer Banks Overlay District, when visible from NC12, private or public road, or any body of water within county jurisdiction, any of the following signs:
  - (a) Off-premises signs except non-commercial special event signs, or signs as described elsewhere in this Ordinance.
  - (b) Signs or portions of signs which move by any means or signs that give the appearance of movement in any manner except for flags as described in this Ordinance.
  - (c) Any sign which emits a sound, odor or visible matter such as smoke or vapor.

- (d) Wall signs or signs where any portion of the sign extends above the roof of the building or beyond the building wall where the sign is located.**
- (e) Sign or sign structure which obstructs the view of, or may be confused with, a traffic directional/safety sign.**
- (f) Any sign painted on or attached to trees, bushes, other natural features, or utility poles.**
- (g) Any sign located on any land subject to periodic inundation by tidal saltwater.**
- (h) Any sign abandoned for more than six months or dilapidated signs where the costs to renovate or repair the sign is 25 percent or more of the sign replacement cost.**
- (i) Any sign towed behind a vehicle or watercraft.**
- (j) Any sign which exhibits statements, suggestive words or pictures of an obscene or pornographic nature, or a sign that is inconsistent with community architecture and mores.**
- (k) Temporary signs.**
- (l) Inflatable signs or balloons of any type.**
- (m) Internally illuminated signs, neon signs, or signs which contain a visible light source.**
- (n) Banners, commercial flags, pennants, streamers, propellers, whirlygigs, umbrellas, and display boards.**
- (o) Any sign which requires a permit and does not meet the requirements of this Ordinance or where a permit has been denied or revoked.**
- (p) Any billboard.**
- (q) Integral decorative or architectural features of buildings that is depicted as a sign.**
- (r) Off-premise signs advertising the existence of a roadside stand.**
- (s) Free hanging or suspended signs capable of movement in any way.**
- (t) Rooms for Rent Signs.**
- (u) "Sold" Real Estate Signs.**
- (v) Landscape Signs.**
- (w) Any roof sign.**
- (x) Outside display of merchandise.**
- (y) Any item used as a method of attraction that is capable of becoming airborne, i.e. an umbrella.**

### **Section 1716 Miscellaneous Restrictions and Prohibitions.**

- 1. No person may cause, suffer, or permit a sign that is in conformity with the provisions of this Article on its effective date to thereafter become nonconforming.**
- 2. No sign may be located within the site distance triangle of 10' x 70' at the intersections of public rights-of-way. Further, no sign shall be located within a site distance triangle of 10' x 35' at a point where driveways and private road rights-of-way intersect with public and private road rights-of-way.**
- 3. Any sign or part of a sign that revolves or is animated or utilizes movement or apparent movement to attract attention of the public is prohibited. Without limiting the foregoing banners, streamers, animated display boards, pennants, and propellers are prohibited if their movement (i) is not a primary design feature of the sign, and (ii) is not intended to attract attention to the sign. The restriction of this subsection shall not apply to signs specified in as specifically provide in these regulations, such as temporary signs.**
- 4. No sign may be erected so that by its location, color, illumination, size, shape, nature or message it would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.**
- 5. Freestanding signs shall be adequately secured or stabilized to minimize the danger that either the sign or the supporting structure may be moved by the wind or other forces of nature and cause injury to persons or property.**
- 6. No sign shall be attached to any traffic sign, utility pole, or tree.**
- 7. Lights shall not shine into the street right-of-way or adjoining properties.**
- 8. No business may arbitrarily attach a sign to the structure of a lawfully permitted sign without submitting an application to the administrator in accordance with a sign permit pursuant to this ordinance.**

### **Section 1717 Signs Exempt from Permits.**

- 1. The following Commercial and Residential signs are exempt from regulation under this Article except for those stated in Section 1716 Miscellaneous Restrictions and Prohibitions:**
  - (a) sign erected by or on behalf of or pursuant to the authorization of a governmental body, including legal notices, identification and informational signs, and traffic, directional or regulatory signs.**
  - (b) official signs of a non-commercial nature erected by public utilities.**
  - (c) governmental flags, pennants, or insignia of any governmental organization.**
  - (d) For Sale Signs less than six (6) square feet in area are regulated but do not require a permit.**

**(e) Political Election Signs****Section 1718 Residential District Signs Allowed Without a Sign Permit.**

All such signs shall have a professional design and appearance except as otherwise provided.

1. **Church, School or other Semi-public Institution Signs.** One (1) On-Premise Free Standing Sign is permitted. The sign's external size dimension shall not exceed forty-eight (48) square feet in area and shall not exceed six (6) feet above natural grade. The sign must be located outside the ten (10) foot by thirty-five (35) foot site triangle where driveways intersect with street right-of-ways.
2. **Special/Local Event Sign.** Up to a maximum of four (4) off-premise signs and two (2) on premise signs are permitted. Each sign shall not exceed three (3) feet high by two (2) feet wide and four (4) feet above natural grade. This type sign is for identifying a special/local event such as a library book sale, art exhibit or other noncommercial event. Such signs may be erected up to 72 hours before the event and must be removed within 48 hours after the event.
3. **Contractor Sign.** One (1) on-premise sign, not to exceed three (3) feet high by two (2) feet wide is permitted per lot, and shall not exceed four (4) feet above natural grade. The purpose of the sign is to identify the contractor performing the construction. A Contractor sign must be removed upon the issuance of a Certificate of Occupancy.
4. **Open House Directional Sign.** One (1) Off-Premise directional sign, three (3) feet high by two (2) feet wide and shall not exceed four (4) feet above natural grade is permitted at the entrance to a community and one, one (1) foot by two (2) foot arrow directional sign is permitted at intersections identifying the location of an open house or model house for sale for the duration of each day the house is open for inspection.
5. **Open House Flags.** Two (2) allowed per major entrance to subdivision not to exceed six (6) feet in height and to be removed at the close of each business day.
6. **For Sale Sign.** One (1) On-Premise "For Sale" sign per lot three (3) feet high by two (2) feet wide, and shall not exceed four (4) feet above natural grade is permitted on the property for sale. For Sale signs shall not be placed on a structure and must be removed upon sale.
7. **Cottage For Rent Sign.** "For Rent" signs shall not exceed two (2) square feet in area (normally 12" X 24"), and shall be attached to the residence when possible.
8. **Cottage Name Sign.** Signs displaying the name of a cottage shall be no larger than twelve (12) square feet in area, and shall be attached to the house.

**Section 1719 Residential District Signs Requiring a Permit.**

All such signs shall have a professional design and appearance.

1. **On-Premise Free Standing Community Entrance Signs.** Community or Subdivision Signs announcing the name of a subdivision shall be located on the premises at the major entrances. Such signs shall be neatly constructed and maintained and shall be limited to only announcing the name of the community or subdivision. Such sign(s) shall not obstruct corner visibility. The sign's external size dimension shall not exceed forty-eight (48) square feet in area. The sign shall not exceed six (6) feet above natural grade. One (1) sign is permitted at each major entrance to the community. No sign shall be located within ten (10) feet of any side or rear property line. All signs must be located outside the ten (10) foot by thirty-five (35) foot site triangle where driveways intersect with street right-of-ways. Only indirectly illuminated signs are permitted. The light source shall not be visible from any public or private street right-of-way or from exterior property lines.
2. **Church Directional Sign.** One (1) Off-Premise directional sign (arrow type), no larger than two (2) square feet in area and no higher than six (6) feet above natural grade may be placed at an intersection along NC12 pointing toward the church.
3. **Indirectly Illuminated Signs.** Only indirectly illuminated signs are permitted. The light source shall not be visible from any public or private street right-of-way or from exterior property lines. Further, no sign shall be erected which contains, employs, or utilizes lights or lighting which rotates, flashes, moves or alternates. All sign lighting shall be full cut-off fixtures and shall be in compliance with Article 6, Part II Nonresidential Lighting Requirements in the Outer Banks Overlay District in Poplar Branch Township.

### **Section 1720 Commercial Districts Signs Requiring a Permit.**

The following Commercial District Signs require a sign permit and the payment of fees. All such signs shall have a professional design and appearance, and conform to the requirements set forth within this Ordinance.

1. **Total signage for each lot, tract or parcel in a designated commercial area.** Each lot, tract or parcel in a designated commercial area, including wall, window, and freestanding signs, shall not exceed a combined total of eighty (80) square feet. The combined total shall only be allowed if the lot contains 200 lineal feet of frontage or more. A designated commercial area does not include a shopping center.
2. **On-Premise Free Standing Sign.**
  - (a) Each shopping center, commercial area or out parcel with less than 200 lineal feet of road frontage: no on premise free standing sign shall be permitted.
  - (b) Each shopping center, commercial area or out parcel with 200 lineal feet of road frontage or more may have: One (1) On-Premise Free Standing Sign (may be double sided), the signs size dimension shall not to exceed forty-eight (48) square feet in area, and shall be no higher than six (6) feet above natural grade. The area of a double faced sign shall be the area of one face of the sign provided the two faces are of the same size and are parallel to one another with no more than twelve (12) inches between each sign face. In the event of "v" shaped signs, there shall be no more than six (6) feet separating the end of the sign.

3. **Free Standing Sign Area Determination.** The area of a sign is determined by measuring the maximum height point and maximum width point including the base and supports. The resulting two values are multiplied together, and the resulting value is the sign size or area.
4. **Developer On-Premise Free Standing For Sale or For Lease Sign.** One (1) On-Premise Sign is permitted per new subdivision and the sign size shall not exceed forty-eight (48) square feet in area, and shall not exceed six (6) feet above natural grade. These signs are allowed for advertising the sale, lease, availability, of commercial lot(s) provided the sign is located within the boundaries of the subdivision. Limited to three (3) years from permit issuance and must be renewed annually thereafter by the Board of Commissioners.
5. **Railing Sign.** A sign meeting “Wall Sign” requirements may be attached to a railing, which is no further than ten (10) feet from the building, if wall space is unavailable.
6. **Wall Sign.** Each business unit within a Shopping Center, Commercial Area, or Out-Parcel may have: One (1) Wall Sign per business front not to exceed 32 square feet in area that is compliant with the applicable total combined signage allowances indicated in subsection 1 of this section. A sign on an awning is subject to the same requirements as a wall sign.
  - (a) **Wall Sign Anchoring.** Wall signs shall be anchored directly to the wall if possible. The sign shall not project or be offset more than twelve (12) inches from the intended wall nor shall it extend above the roof line. Wall signs shall be placed on a wall that is oriented towards a public street, public vehicular access, public drive aisle leading to public parking or public entrance.
7. **Window Sign.** Each business unit within a Shopping Center, Commercial Area, or Out-Parcel may have a Window Sign not to exceed 25% of the total pane area that contains the sign. Window sign area is inclusive in the total thirty-two (32) square foot wall sign allocation.
8. **Temporary Sign (Sandwich/Tent Signs).** Each business unit within a Shopping Center, Commercial Area, or Out-Parcel may have one (1) Temporary On-Premise Sign, three (3) feet high by two (2) feet wide not to exceed six (6) square feet in area. The sign may be double sided. Temporary sandwich signs shall be displayed only if the unit is open for business. The sign may be displayed one day before the store is open for business, and does not have to be removed daily if the store remains open on consecutive days. If the store is closed for two (2) or more consecutive days the sign must be removed until the store is again open. The sign shall have a professional appearance. Reflective lettering is prohibited. The permit shall be displayed on the internal surface of the sign.
  - (a) Temporary Sandwich signs are allowed along NC12, and private or public roads only from October 1<sup>st</sup> to May 1<sup>st</sup>. The October to May restriction applies only to signs visible from NC12. The placement of these signs within a center and not visible from NC12 or public roads is controlled by shopping center rules and may be allowed year around. The temporary sign must be on the property where the business is located. The sign shall be placed outside the site triangle at driveways so as not to block views, and shall not be lighted.
  - (b) Real Estate “Open House”, “Agent on Duty” and “Open” are allowed

along NC12, and private or public right-of-way in front of Real Estate Offices or other Businesses only from October 1<sup>st</sup> to May 1<sup>st</sup>. Such sign shall be three (3) feet high by two (2) feet wide. The business must be open and the temporary sign must be on the property where the business is located. The sign shall be placed outside the site triangle at driveways so as not to block views, and shall not be lighted.

**9. Internally illuminated signs are prohibited.**

**10. Indirectly Illuminated Signs. Illumination lights shall not shine into the street right-of-way or adjoining properties. All sign lighting shall be full cut-off fixtures and shall be in compliance with Article 6, Part II Nonresidential Lighting Requirements in the Outer Banks Overlay District in Poplar Branch Township.**

**11. Sign Location.**

(a) Unless otherwise provided, no sign shall be located within any public or private right-of-way or within thirty-five (35) feet of the centerline of any public or private right-of-way, whichever is greater. Further, no sign shall be located within ten (10) feet of any side or rear property line. All signs must be located outside the ten (10) foot by thirty-five (35) foot site triangle where driveways intersect with street right-of-ways.

(b) Freestanding signs shall be adequately secured or stabilized to minimize the danger that either the sign or the supporting structure may be moved by the wind or other forces of nature and cause injury to persons or property. The sign must meet building code standards.

**Section 1721 Nonconforming Signs.**

- 1. Nonconforming signs shall be governed by the provisions of this section. Where these regulations refer to nonconforming signs, this shall mean to include nonconforming on-premise and off-premise signs. Where these regulations refer nonconforming on-premise or off-premise signs, then the applicable section shall apply only to that type of sign.**
- 2. Subject to the remaining restrictions of this section, pre-existing nonconforming signs that were otherwise lawful on the effective date of this section may be continued for three (3) years with a temporary three (3) year permit. This shall not include pre-existing nonconforming freestanding on-premise signs that do not exceed 8 feet in height and 32 square feet in sign area which are subject to subsection 3. and 4. of this section.**
- 3. When all or a portion of a nonconforming sign is removed or damaged, which equals 25 percent or more of the sign replacement costs, then such nonconforming sign may not be relocated or replaced except in compliance with this ordinance.**
- 4. The message of a nonconforming sign may not be changed except in compliance with this ordinance.**
- 5. If a nonconforming off-premises sign advertises a business, service, commodity, accommodation, attraction or other enterprise or activity that is no longer operating or being offered or conducted, that sign shall be considered abandoned**

and shall be removed within thirty (30) days after such abandonment by the sign owner, owner of the property where the sign is located, or other party having control over such sign.

### **Section 1722 Effective Date.**

Part 4 of this Article will be effective as of the date of adoption by the Currituck Board of Commissioners (*insert date*).

### **Section 1723 Permitting Requirement.**

Except as otherwise provided, no sign may be constructed, erected, moved, transferred, enlarged, illuminated, or substantially altered without obtaining necessary permits and approvals.

### **Section 1724 Application Process.**

1. Except as otherwise provided in Sections 1717 Signs Exempt from Permits., no on-premise signs or off-premise signs (temporary or permanent) may be constructed, erected, moved, enlarged, illuminated, or substantially altered except in accordance with a sign permit issued pursuant to this section.
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 necessary 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. Building inspector will not certify sign compliance at permit issuance. Certification is given at final inspection.
3. The Administrator shall issue the requested sign permit if he determines that the sign, if constructed, erected, moved, enlarged, illuminated, or altered in accordance with the plans submitted, will comply with the provisions of this Article. All illuminated signs shall comply with the Outer Banks Overlay District Lighting Ordinance.
4. The Currituck County Planning and Inspections Department shall process all sign applications and issue all sign permits.
5. The Currituck County Planning and Inspections Department shall post sign permit fees as specified by the Board of Commissioners. An application for a sign permit shall be accompanied with a permit fee in the amount specified by the Board of Commissioners.

### **Section 1725 Standards for Maintenance of Signs.**

1. All signs and all components thereof, including without limitation supports, braces, and anchors, shall be kept in a state of good repair.
2. If a sign 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 a conforming 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.
4. The area within ten (10) feet in all directions of any part of a sign shall be kept clear of all debris.

### **Section 1726 Unlawful Cutting of Trees or Shrubs.**

1. No person may, for the purpose of increasing or enhancing the visibility of any sign, damage, trim, destroy, or remove any trees, shrubs, or other vegetation located:
  - (a) 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; and /or
  - (b) on property that is not under the ownership or control of the person doing or responsible for such work, unless the work is done pursuant to the express authorization of the person owning the property where such trees or shrubs are located; and /or
  - (c) in any area where such trees or shrubs are required to remain under a permit issued under this Ordinance.

### **Section 1727 Expiration.**

1. Notwithstanding Section 1717 Signs Exempt from Permits., or other provisions of this Ordinance, a permit to erect a new sign shall expire within 6 months of the date of issuance unless within that time the work authorized by the permit has been completed.
2. If a sign permit expires as provided in subsection (1), no further work to construct, erect, move, enlarge, illuminate, or alter the sign may take place unless a new sign permit is obtained. The applicant shall be subject to all regulations applicable at the time a new application is submitted.

**Section 1728 Penalties for Nonconformance.**

- 1. The enforcement of a violation shall be in accordance with Article 23 of this ordinance.

**Section 1729 Revocation of Permit for Nonconformance.**

- 1. Permit revocation for the signs located within the Currituck County Outer Banks Overlay District shall be in accordance with the provisions of this section and not the provisions of Section 2305 Permit Revocation.
- 2. The Administrator shall revoke any sign permit issued under this Article for any of the following reasons:
  - (a) issuance of the permit under a mistake of material fact when, had the correct fact been known, the permit would not have been issued;
  - (b) misrepresentation of a material fact by the applicant for a sign permit; and,
  - (c) failure to comply with any of the provisions of this article, except that a permit for a nonconforming sign may not be revoked so long as the nonconforming situation is allowed to continue pursuant to Section 1721 Nonconforming Signs.
- 3. Before revoking a sign permit, the Administrator shall give the sign owner twenty (20) days notice by certified mail of his intent to revoke the permit and shall inform such persons of the reasons for the proposed revocation and of his right to obtain an informal hearing on the allegations. If the permit is revoked, the Administrator shall provide to the owner a written statement of the decision and the reasons thereof. The Administrator shall also inform the owner of his right to appeal the decision to the Board of Adjustment.
- 4. No person may continue to operate, maintain, or leave standing any sign or part or component thereof for more than ten (10) days after the permit authorizing such sign has been revoked under this section or has expired under Section 1727 Expiration.

Part 2. That the following sections be amended:

**Section 620 Compliance.**

- ~~10. Lighting for signage shall be governed by the requirements contained in Article 17 and not the requirements of this article.~~

Part 3. This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 200\_.

\_\_\_\_\_  
Board of Commissioners' Chairman

Attest:

\_\_\_\_\_  
Gwen H. Keene  
Clerk to the Board

DATE ADOPTED: \_\_\_\_\_  
MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_  
SECONDED BY COMMISSIONER: \_\_\_\_\_  
VOTE: \_\_\_\_\_AYES\_\_\_\_\_NAYS\_\_\_\_\_

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PLANNING BOARD DATE: \_\_\_\_\_

\_\_\_\_\_  
PLANNING BOARD RECOMMENDATION:  
VOTE: \_\_\_\_\_AYES\_\_\_\_\_NAYS\_\_\_\_\_  
ADVERTISEMENT DATE OF PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_  
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_  
AMENDMENT NUMBER: \_\_\_\_\_

**DISCUSSION**

Alicia McDonnell read a statement to the board regarding the sign ordinance being proposed. She gave examples of signs that are illegal under the present ordinance and illustrated how the ordinance will change and give guidance to the businesses regarding signage.

Willow Winterling, Currituck Chamber of Commerce, pointed out changes that she feels still need to be clarified in the ordinance and read an email from the Pastor of the Corolla Chapel regarding the church’s sign.

Jon Gerlic, business owner in Corolla, spoke about the meeting that was held with the business owners and sign committee and said that the ordinance isn’t about ‘fairness’. He stated that businesses that pay more for rent have more road frontage and have the probability for better signs. He believes that the ordinance should consider neon signage as long as it is tasteful.

Mr. Ferguson spoke about a ‘level playing field’ so that people who paid less for their location should not be permitted over advertise because of their poor location

Joe Statan, business owner, spoke against the ordinance. He said that a business should have a right to advertise and the ordinance isn’t clear on some of the issues that could be brought up. He said that there are several obstacles to doing business in Corolla, the rent is high,

\*Minutes are not official until approved by the board.

there is a short season for business, and signage helps foot traffic into the businesses.

Mr. Keel asked Mr. Staten if he knew that the ordinance was being rewritten.

Mr. Staten said that he was ‘out of the loop’ and wasn’t able to get a copy of what was being proposed.

Mr. Keel asked if the Committee had public meetings.

Mr. Ferguson said that the Committee was meeting with the Chamber regularly in the beginning of the process. During the planning process the relationship between the Chamber and the Committee failed and the Chamber was no longer represented.

Ms. Winterling said that the Chamber members were notified and the property owners were to notify non members that lease from them.

Herb Robbins, Co-Chair of the Committee, said there were several meetings with the Chamber and the recommendations were given to the staff for representation. The goal of the committee was to keep NC 12 from being over signed and keep the area beautiful.

Mr. Riley motioned to approve the request as presented. Mr. Winter seconded the motion. Motion passed unanimously.

Shawn and Shannon O’Sullivan appeared before the board.

**PB 05-13 Shawn and Shannon O’Sullivan Rezone one acre from Agricultural (A) to General Business (GB) on property located in Powells Point on the west side of Caratoke Highway approximately 310’ north of the intersection with Foster Forbes Rd. Tax Map 123 Lot 77, Poplar Branch Township.**

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

Shawn and Shannon O’Sullivan request to rezone a one acre lot from A (Agricultural) to GB (General Business). The property is located in Powells Point on the west side of Caratoke Highway (US 158) approximately 310’ north of the intersection with Foster Forbes Road (SR 1114), PIN 0123-000-0077-0000. Mr. and Mrs. O’Sullivan wish to rezone this property in order to use the existing single family dwelling (built in 1948) as a future business. The type of business has not been determined at this time. The property is in Flood Zone C. The property contains Conetoe loamy sand soils which consists of well drained soils that are favorable for septic systems according to the Currituck County Soil Survey.

**SURROUNDING ZONING/LAND USE**

Zoning

Land Use

North: A (Agricultural) Car	Single Family Dwelling/Non-Conforming Used lot
South: GB (General Business)	Vacant General Business Lot
East: A (Agricultural)	Single Family Dwelling/Cropland/Church
West: A (Agricultural)	Dilapidated Dwelling/Cropland/Woodland

### **LAND USE PLAN**

The 1990 Land Use Plan shows this property as “Limited Transition”. This class is to provide for development in areas that will have some services, but are suitable for lower densities than those associated with the urban transition class, and/or are geographically remote from existing towns and municipalities. This class also contains nonresidential areas along major transportation routes. This rezoning is consistent with the Land Use Plan.

### **PUBLIC SERVICES AND UTILITIES**

Lower Currituck Volunteer Fire Department provides fire protection for this area. County water, electric, telephone, and cable are available at this location.

### **STAFF COMMENTS**

This lot adjoins a lot currently zoned General Business (GB). This rezoning may be viewed as an extension of an existing zoning district.

There are 3,101 acres of vacant GB zoned land countywide and 458 acres of that is in the Powells Point area.

### **STAFF RECOMMENDATION**

Staff recommends approval of this application for the following reasons:

1. Proposed rezoning is compatible with surrounding land use.
2. The proposed rezoning is consistent with the Land Use Plan.

### **DISCUSSION**

There was no discussion on this item.

Mr. Keel motioned to approved. Mr. Midgette seconded the motion. Motion passed unanimously.

Mark Bissell appeared before the board.

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

**Action PB 03-43 ALBEMARLE ESTATES Final Plat for 35 lots on the south side of Harbinger Ridge Rd. approximately 650’ east of Owens Beach Rd. Tax Map 132, Lots 155, and Lots 179-184, Poplar Branch Township**

**TAX ID:** Tax Map: 132 Parcels: 155, 179, 180, 182, 183 & 184

**ZONING DISTRICT:** Residential

**OWNER:**  
Wilko Development, LLC  
6405-G Dickens Place  
Richmond, VA 23230

**APPLICANT/AGENT**  
Bissell Professional Group  
4417 N. Croatan Hwy.  
Kitty Hawk, NC 27949

**LAND USE/ZONING OF SURROUNDING PROPERTY:**

**NORTH:** Residential & Vacant- zoned R & GB  
**SOUTH:** Residential & Albemarle Sound - zoned R  
**EAST:** Residential & Farmland - zoned R  
**WEST:** Residential & Farmland - zoned R

**NARRATIVE OF REQUEST:**

Wilko Development is seeking Final Plat approval for 35 single family lots through the major subdivision process. Included in the 35 lots are five lots that were initially created through parcel recombinations. The total acreage of the development is approximately 41 acres, not including the lot recombinations.

This property is zoned Residential with lot sizes ranging from 40,000 sf to 1.26 acres. Since the subdivision consists of over 20 lots, the required open space dedication is 20% of the total tract area, or a minimum of 8.25. The developer is dedicating 8.62 acres of open space in order to fulfill this requirement.

The lots have been approved for individual conventional septic systems and will be connected to the county's water system. The developer has paved the streets and installed the complete water system including fire hydrants and water services. The county will be installing a waterline down Harbinger Ridge Road to service this development.

**OTHER IMPORTANT ELEMENTS TO THIS PLAN:**

**STREETS:** All streets have been constructed to NCDOT Design and Construction Standards. The streets will be dedicated for maintenance to the NCDOT.

**WATER:** This development will be served by County water. The water line, water services, and fire hydrants have been installed. At the present time the county water is not

available to the site and therefore the waterlines have not been tested and analyzed. The owner has placed \$8,000 in a trust account as retainage from the water contractor who installed the waterlines. The monies will be held until the developer tests and does a bacteriology analysis on the waterlines. If the waterlines do not pass the testing and analysis the developer will use the funds to make the necessary repairs.

- FIRE:** This development is located within the Lower Currituck Volunteer Fire Department.
- WASTEWATER:** All of the individual lots have been tested and were classified as provisionally suitable for septic systems.
- OPEN SPACE:** 8.62 acres of open space (21% of the total tract area) will be dedicated within the development.
- DRAINAGE:** Stormwater will be retained in accordance with the NC Division of Water Quality and the Currituck County Soil and Water Conservation office. A detention pond was constructed to control the release of stormwater run-off from the site.

**STAFF COMMENTS:**

1. The Sketch Plan/Special Use Permit for this development was approved by the Board of Commissioners on December 15, 2003 for a 27 lot major subdivision. It was presented to the Board of Commissioners that the developer intended on creating additional lots through reconfiguring five existing lots and the minor subdivision review process. The total number of lots at that time was 35.
2. Since the Sketch Plan approval, the county has agreed to install a waterline along Harbinger Ridge Road to service the development. The developer will connect to the county water system and installed fire hydrants according to county requirements.
3. Preliminary Plat approval was granted by the BOC on November 15, 2004. The developer never created the three lot subdivision. These lots were developed with a major subdivision.
4. Technical Review Staff:  
The Stormwater & Waterline As-Builts were not submitted in time to be reviewed by the TRC Committee. Comments will be forthcoming after the reviews.

The following corrections shall be made to the Final Plat:

- (a) Certificate of Ownership and Dedication – correct to: ...dedicate to public use

all areas shown on the plat as streets, alleys, walks, parks open space and easements...

(b) Note:

(1) #1 – and Tax ID

(2) #3 – Remove the word proposed

(3) #4 – no minor subdivisions were ever done. Add those three lots to the major subdivision count and area. Show the total area contained within the lots

(c) Add the following note:

No more than 30% of any lot shall be covered by impervious structures and materials, including asphalt, gravel, concrete, brick stone, slate, or similar material, not including wood decking or the water surface of swimming pools. This covenant is intended to ensure compliance with the Stormwater Permit issued by the State of North Carolina. The covenant may not be changed or deleted without the consent of the State. Filling in or piping of any vegetative conveyances (ditches, swales, etc.) associated with this development, except for average driveway crossings, is strictly prohibited by any person.

(d) Remove all building setback lines

(e) Sheet 2 is not required nor necessary

(f) Open space lot numbers appear to look like addresses. Give them a lot designation instead.

(g) Sheet 4 – Lots 1, 2, 16 and the legend remove the MM (minor subdivision) designation

(h) Show a survey tie

(i) Sheet 6:

(1) Change the street addresses as follows – Lot 1 to Lot 10 RC = 200 to 218; Lots 17 to 19 = 205 to 209; Lot 12 = 215; Lot 11 = 217

(2) Address for Will Court are – Lot 16 = 101, Lot 15 = 103, Lot 14 = 104, Lot 13 = 102

(3) Lots 13 and 16 – call out a 5' non-access buffer along Cynthia Court

## STAFF RECOMMENDATION:

Staff recommends **conditional approval** for the following reasons and subject to the following conditions:

1. Pavement acceptance letter has been submitted by NCDOT;
2. Street trees have been planted;
3. Waterline, services and fire hydrants have been installed;
4. The Articles of Incorporation for the Albemarle Estates Homeowners Association have been filed with the state and the Declaration of Covenants, Conditions and Restrictions have been recorded with the county;
5. That a Street Maintenance Bond in the amount of **\$20,193** (\$134,618 constructic

cost X 15% = \$20,193) be submitted and held by the County for a minimum period of at least 18 months and then the bond will only be released at such time as the streets are turned over to either a property owners association or NCDOT; **(done)**

6. That a check in the amount of **\$105,000.00** (\$3,000 X 35 = \$105,000) be submitted to the County's Water Department for the payment of water connection fees;
7. That the developer shall enter into a relinquishment agreement with the County's Water Department for the waterlines;
8. Testing and bacteriology analysis shall be completed by the developer after the system is connected to the county waterline. If the waterline fails, it shall be the developer's financial responsibility to correct the defects. The trust account letter shall be amended to reflect this;
9. The engineer shall submit a waterline certification letter;
10. State and County acceptance of the waterline construction shall be required;
11. Acceptance of the Stormwater Management and Waterline As-Builts;
12. Corrected copies of the Final Plat and the As-Builts shall be submitted to the Planning Department for review and approval; and
13. The applicant **conditionally** meets the standards and requirements within the County's UDO for Final Plat approval.

## DISCUSSION

Mr. Bissell said that the county agreed to run water down the road and the developer hopes to add the water when the lines are available.

Mr. Midgette motioned to approve the request as presented. Mr. Riley seconded the motion. Motion passed unanimously.

Mark Bissell appeared before the board.

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

**PB 04-03 River Lane Estates Preliminary Plat for a 19 lot subdivision located in Powells Point on the south side of River Lane (SR 1157), Tax Map 110, Lot 83B, Poplar Branch Township.**

### **ITEM: PB 04-03 RIVER LANE ESTATES, PRELIMINARY PLAT FOR 19 SINGLE FAMILY LOTS**

**LOCATION:** At the end of Riverlane Road, approximately 1600' from its intersection with Caratoke Highway, Poplar Branch Township.

**ZONING DISTRICT:** General Business

**TAX ID:** Tax Map: 110 Parcel 83A

**OWNER:**  
John and Jane Newbern  
300 Luid Drive  
Chesapeake, VA 23322

**APPLICANT/AGENT**  
Bissell Professional Group  
P.O. Box 1068  
Kitty Hawk, NC 27949

**LAND USE/ZONING OF SURROUNDING PROPERTY:**

**NORTH:** Residential - zoned R  
**SOUTH:** Residential - zoned R  
**EAST:** Vacant - zoned GB  
**WEST:** Residential - zoned R

**NARRATIVE OF REQUEST:**

The Newberns are seeking Preliminary Plat approval for 19 single family lots through the major subdivision process. The development will be located on a site of approximately 21 acres. Since the development is less than 21 lots, no open space is required. All but one lot is sized at 40,000 sf. The remaining lot is approximately 52,000 sf.

This property is zoned General Business (GB). There is a note on the plat stating that the lots are for residential use only. The state issued a low density stormwater permit for the site which will limit the lot coverage to 30% instead of the 65% that the UDO allows in the GB district.

**OTHER IMPORTANT ELEMENTS TO THIS PLAN:**

**STREETS:** A loop road will serve this development. The street will be built to NCDOT Design and Construction standards. The streets will be dedicated to NCDOT for maintenance.

**WATER:** The nearest existing County water line is located on Caratoke Highway, approximately 1,600' from the subdivision. This distance exceeds the required UDO waterline connection by approximately 420'. The water for this development will be provided by individual wells. However, a bond will be required for the future installation of a 6" water line and hydrants throughout the subdivision.

**FIRE:** This development will be located within the jurisdiction of the Lower Currituck Volunteer Fire Department. A fire

protection pond approximately 15' deep will be constructed for fire suppression purposes.

- WASTEWATER:** Individual on-site conventional septic systems have been approved for all lots.
- OPEN SPACE:** No open space is required, however 0.25 acres have been provided for a fire protection pond.
- DRAINAGE:** Roadside and property line swales/ditches are incorporated to direct the drainage to the fire pond on off-site drainage ditches.
- FLOOD ZONES:** This development is within Flood Zone C (not within the 100 year flood area).

**STAFF COMMENTS:**

- Sketch Plan/Special Use Permit approval for this development was granted by the Board of Commissioners on February 2, 2004.
- On March 10, 2005, Technical Review staff reviewed this application. At the TRC meeting, the primary concerns were with the adequate fire suppression, connecting to the existing water system, and drainage plan. There was a major concern expressed by the Fire Marshal in regards to having adequate water and manpower to suppress a fire in this part of the county. There was a discussion in regards to connecting to the existing county water line in Caratoke Highway. Since this development is approximately 420' short of being required to connect to the county water, it was suggested that the county extend a waterline for this connection. The Preliminary Plat has been revised to address the major concerns expressed by the Technical Review staff. The drainage plan has been approved by the Soil & Water Conservation office and County Engineer.
  - (a) County Engineer - reviewed & approved. Recommends the subdivision connect to the County water system.
  - (b) Soil & Water Conservation - reviewed & approved
  - (c) Fire Marshal – reviewed & approved. If there is a model home within this subdivision, it will be treated as a commercial building in accordance with the NC Fire Code.
  - (d) Health Services – reviewed & approved all lot for conventional on-site septic systems
  - (e) County Water Department – no waterline installation
  - (f) County Mapper – approved as is
  - (g) Lower Currituck Volunteer Fire Department – no comments received
  - (h) Emergency Management Services - reviewed with no comments
  - (i) Recreation Department – reviewed with no comments
  - (j) NCDENR, Water Quality – reviewed and approved a Low Density

- Stormwater Permit
- (k) NCDENR, Land Quality Section – reviewed and issued erosion & sedimentation control permit
  - (l) NCDOT – driveway permit has been issued. NCDOT will not be responsible for maintenance of any roadside ditches located outside of the dedicated right-of-way.
  - (m) Phone Company - reviewed with no comments
  - (n) Superintendent of Schools - reviewed with no comments
  - (o) Power – reviewed and no comments
- The following corrections shall be made to the Preliminary Plat:
    1. Correct the Tax ID to 0110-000-083B-0000
    2. State who the responsible party will be for the stormwater facility maintenance
    3. Sheet 2 - notes for fire protection pond are illegible; show the typical property line swale
    4. Add the following note: NCDOT shall not be responsible for the maintenance of any roadside ditches located outside of the dedicated right-of-way.
  - The following corrections shall be made to the construction drawings:
    1. Inverts shall be shown for all culverts
    2. A grate is required on the 18” outfall pipe
    3. The existing earthen dam in the outfall ditch shall be removed
    4. Sheet 2 – Small trees are planted 30’ on center

### **STAFF RECOMMENDATION:**

Staff recommends **approval** subject to the following conditions:

1. That the following corrections be made to the plans:
  - (a) Correct the Tax ID to 0110-000-083B-0000
  - (b) State who the responsible party will be for the stormwater facility maintenance
  - (c) Sheet 2 - notes for fire protection pond are illegible; show the typical property line swale
  - (d) Add the following note: NCDOT shall not be responsible for the maintenance of any roadside ditches located outside of the dedicated right-of-way.
- The following corrections shall be made to the construction drawings:
  - (a) Inverts shall be shown for all culverts
  - (b) A grate is required on the 18” outfall pipe
  - (c) The existing earthen dam in the outfall ditch shall be removed
  - (d) Sheet 2 – Small trees are planted 30’ on center

2. ***That the corrected Preliminary Plat be submitted and approved by the Planning Department prior to the Board of Commissioners meeting.*** To be scheduled for the first BOC meeting of the following month, the corrected plans must be submitted to the Planning Department within one week of the Planning Board meeting;
3. That fire suppression facilities shall be required to be in place and accepted by the Fire Marshal prior to the start of the site development work;
4. That street trees shall be installed (or bonded) prior to submittal for final plat approval;
5. That required improvements be installed and accepted prior to submission for final plat approval;
6. That the water improvements shall be bonded at the time of final plat;
7. That the applicant shall complete the development strictly in accordance with the plans submitted to and approved by the Board of Commissioners;
8. That applicant meet all requirements of the county's Unified Development Ordinance; and
9. That should any conditions within this permit conflict with any other permit(s) issued for this activity, and then the more restrictive condition shall prevail.

## **DISCUSSION**

Mr. Bell asked how long it would take to get the water to this area.

Mr. Ferguson said that the County hasn't begun the bid process.

Mr. Bissell said that he hopes that obtaining water wouldn't be a condition of approval.

Ms. Eggar said that is not an issue with the planning department.

Mr. Keel asked why the model home would be treated as a Commercial building.

Ms. Eggar said that the Fire Marshall is treating model homes as Commercial buildings.

Mr. Keel motioned to approve this request as presented. Mr. Winter seconded the request. Motion passed unanimously.

## **OLD BUSINESS**

Mr. Bell asked if the board can have a copy of the booklet Mr. Russell had last meeting.

Mr. Bell asked if someone would come to speak about water quality and ro.

## **ADJOURNMENT**

There being no further business to discuss, Mr. Riley motioned for adjournment. Mr. Winter seconded the motion and the motion passed unanimously. The meeting adjourned at 9:15 p.m.

Respectfully Submitted,

Tammy J. Underwood /s/

Tammy J. Underwood  
Clerk to the Board