

# COLINGTON HARBOUR ASSOCIATION, INC.

1000 Colington Drive • Kill Devil Hills, North Carolina 27948 • 252-441-5886  
Fax: 252-441-7806

## Application for Lot Modification

To: Colington Harbour Association, Inc. Section/Lot(s) \_\_\_\_\_

Deeded Owner \_\_\_\_\_ Phone \_\_\_\_\_

Email \_\_\_\_\_

Address of Construction Site \_\_\_\_\_

Contractor \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_

Reason for Lot Modification \_\_\_\_\_

Original Survey Ground Level \_\_\_\_\_ Proposed Ground Level \_\_\_\_\_

Reason for Lot Modification: (i.e. grading, tree removal, brush clearing)

\*Engineering plans may be required

### **CERTIFICATION**

I certify that I have read the Colington Harbour Association, Inc. Community Standards of Architectural Control, the Restrictive Covenants and where applicable, The Standards of Bulkhead Construction, and will comply with all of those requirements (**See Appendix A for other rules and regulations, including stormwater control**).

It is agreed that an authorized representative(s) or the Association will be permitted on the property for inspection purposes during normal working hours until constructions in complete.

The signing party certifies that he/she is the deeded title holder or is the duly authorized agent of the deeded title holder.

OWNER \_\_\_\_\_ DATE \_\_\_\_\_

CONTRACTOR \_\_\_\_\_ DATE \_\_\_\_\_

DATES RECEIVED BY CHA OFFICE \_\_\_\_\_ DATE \_\_\_\_\_

DATES ITEMS 1-4 SATISFIED/SENT TO ACC \_\_\_\_\_ DATE \_\_\_\_\_

The ACC meets monthly on the 1<sup>st</sup> & 3<sup>rd</sup> Tuesdays at 9:00 am

## APPENDIX A

### COLINGTON HARBOUR ARCHITECTURAL CONTROL COMMITTEE 1000 COLINGTON DRIVE, KILL DEVIL HILLS, NC 27948

You have been issued a Building Permit by Colington Harbour. By accepting the permit, you have indicated that you are aware of all necessary rules to be followed by an owner or contractor and have agreed to abide by them. These rules are intended to make construction, which in itself is noisy and intrusive into the lives of neighbors, as comfortable as possible. To this end, let us reiterate some of these requirements.

1. All building material must remain on the property described in the permit.
2. All building sites will have a bin for trash, and a portable toilet.
3. Windblown material must be removed daily.
4. Material must be 'tied down' in periods of high wind.
5. All vehicles must be parked on the permitted property or at the edge of the street so traffic is not blocked
6. No dogs are allowed on construction projects. (This does not apply to property owner's dogs).
7. Dare County's Noise Ordinance prohibits noise disturbances. Among items listed as disturbances include: any noise which carries across the property line, specifically including radio or other musical devices, loading or unloading building materials and construction tools, between the hours of 10 pm and 7 am. Therefore, radio music and other con-construction noise, which can be heard by neighbors, is prohibited. Complaints will be dealt with quickly and repeat violations will result in a Stop Work Order.
8. In accordance with Dare County Ordinance on Noise Control, the following applies to construction and demolition: "Between the hours of 10 pm and 7 am the following day, on weekdays or at any time on weekends or holidays, such that the sound therefrom creates a noise disturbance across a residential real property boundary or within a noise sensitive zone, except for emergency work."

Repeat violations can result in Stop Work Orders. We realize that the general contractor is not on the project at all times. Therefore, it is important and fair to the subcontractors that they are made aware of these requirements so that their actions will not jeopardize the project.

Revised: 11/2000

## COLINGTON HARBOUR STORMWATER PLAN

Stormwater, improper drainage, and standing water have become major problems of concern in Colington Harbour. Continued development at a record pace, along with lot build-up with soil to increase elevation before construction and improper final grading, has contributed to those lots dumping water onto neighbors' lots and further increases standing water on our roads. We can wait no longer for this problem to just go away. It will be with us for a long time, no matter what we do, but we can help the situation by acting now. Stormwater has to be managed to minimize the above problems. The CHA Board of Directors hereby adopt the following resolutions to be effective immediately.

1. Stormwater needs to be retained as much as possible on each individual property and not dumped onto the roads or neighboring properties. Any build-up of material placed on a lot, other than the septic field, is hereby limited to a maximum of eighteen (18) inches before the concrete pad is poured. It must then be graded accordingly to taper or slope toward each lot line, but will stop short of the lot line as a swale must be included on each side line to help drainage and to minimize dumping water onto abutting lots. A swale is also required along and parallel to the road for the full width of the property, including the driveway. It is to be graded to have an eight inch drop tapering from the road edge to the center of a swale, approximately eight feet from the roadside. Any planned change in grade greater than that mentioned above, must be included in the application for a construction permit from the Colington Harbour Architectural Committee (ACC). No site work is allowed to begin without the permit approval by the CHA-ACC.
2. Health Department requirements for septic field build-up, if greater than eighteen (18) inches will be limited to the septic field only.
3. The final grading of a lot must be completed prior to occupancy, to ensure that the 4 to 1 grading requirement is met, as required by CHA Covenants, Article VII, Building and Use Limitations.
4. Lots may not be filled beyond the individual property lines, i.e. road right of way, without first getting approval from the ACC. Build-up of lots, including driveways, to shed water onto the roads is not allowed. Stormwater must be retained as much as possible on each individual property.
5. Lots that have poor percolation due to the peat layer under the soil, may be required to break through and remove the bad material to eliminate standing water by installing a French or curtain drain or other appropriate approved method.
6. Owners of previous construction locations, where lot grading contributed to these problems, may need to implement some of the above guidelines. This will help to correct the drainage problem if you are having standing water problems on your lot or street.
7. This plan will be in effect until such time as the county develops better recommendations that will fit our situation.
8. Upon completion, the surveyor of record must document that the final slope meets the 4 to 1 requirement and must supply a cross-section view of said slope.



## **Land Disturbance**

For years, Dare County has relied on State regulations to address mining activities in unincorporated portions of Dare County. The State regulations apply to those mining activities that involve more than one acre of land disturbance. There are no local regulations for mining activities that involve less than one-acre of land disturbance except for the SED-1 areas of Buxton Woods. The County does have dune alteration standards which were adopted in 2003 to address the alteration of inland dunes. These regulations create standards to address the alteration of the topography of property to avoid hazardous remnant slope conditions. These regulations were adopted in response to sand removal activities that were occurring in the Colington Harbour Subdivision with no provisions made to address the stabilization of the remnant slopes. There were concerns about the instability of the slopes and the “attractive” nuisance potential to neighborhood children. During the Planning Board discussions of land disturbance issues, the use of fill material and tree removal activities on private property were discussed. The Citizen Involvement Poll included a question about the regulation of land clearing and tree removal. The CIP results indicate disagreement with the need to adopt County regulations for such activities. The Planning Board acknowledged this resistance to County regulation of land disturbance activities but noted that a policy should be included that encouraged best management practices and some sensitivity to impacts on adjoining properties. Concerning the use of fill material to raise the natural ground elevation beyond the requirements for wastewater systems, the Planning Board indicated that this issue should be evaluated to determine if local regulations are needed. The use of fill material is currently unregulated in unincorporated Dare County except for the Martin’s Point Subdivision and in properties that are designated VE zones on the FIRM maps. Policy LUC #13 For those mining activities not subject to regulation by the State of North Carolina, Dare County shall rely on the dune alteration regulations of the Dare County Zoning Ordinance to ensure all dune alteration activities are minimal and meet the sloping standards to ensure safety and erosion control. Section Two Land Use Compatibility Page 159 Implementation Strategy: 1. Administration of Section 22-58.1 Dune Alteration Standards of the Dare County Zoning Ordinance. ( 2010-2015) Policy LUC#14 Tree clearing and land disturbing activities on small residential lots or other private property should be done prescriptively or according to the guidelines of NC Cooperative Extension office or the UNC Coastal Studies Institute. The use of fill material on private property, although not currently regulated by the Dare County Zoning Ordinance, should be accomplished in a responsible manner. Implementation Strategies: 1. Promote best management practices by referrals to State agencies and work with Outer Banks Homebuilders Association to promote best management practices with local general contractors. ( 2010-2015) 2. Evaluate the need to establish regulations for the placement of fill material on private property to address concerns about impacts on drainage patterns. ( 2012)

### **SECTION 22-58.1 - SAND DUNE PROVISIONS**

These regulations shall apply to any property featuring natural topography that requires grading and/or modification in order to utilize the property. Before any grading, shaping, or modification of existing natural topography occurs, an on-site meeting with the Dare County Planning Department and/or Building Inspector is required to assess the topography, discuss proposed activities, and proposed stabilization methods that will be required to address remnant slopes on the property.

**(a)** Sand dunes and their existing contours shall not be damaged, destroyed, removed, or changed except as specifically exempted below:

**(1)** The area required for the construction and installation of septic or wastewater improvements as authorized by the Dare County Health Department or North Carolina Department of Environmental Health.

**(2)** Activities in conjunction with a Dare County building permit as authorized by the Dare County Building Inspector.

**(3)** Other land disturbing activities in conjunction with subdivision development or other residential or commercial development as authorized by the Dare County Planning Department, the Dare County Planning Board or the Dare County Board of Commissioners.

**(b)** For activities exempted under Section 1 a, b and/or c, the following standards shall apply:

**(1)** A site plan prepared by a NC licensed engineer or NC licensed surveyor shall be submitted depicting the existing grades and proposed grades and areas where retaining walls are needed to stabilize remnant slopes.

**(2)** A horizontal – vertical slope not to exceed 4' to 1' shall be maintained unless the dune-disturbing activity is intended to provide elevations that are consistent with abutting properties. Before any disturbing activities commence, silt fencing shall be placed at the bottom of slopes to prevent erosion of sediment onto adjoining properties and right of ways. Silt fencing shall remain in place until the final inspection of the property by the Dare County Planning Department. Depending on the vertical slope, temporary vegetative matting may be required to stabilize slopes until permanent stabilization measures are completed. Graded slopes shall be stabilized with retaining walls or other permanent stabilization improvements prior to issuance of the Certificate of Occupancy/Certificate of Completion by the Planning Department.

**(c)** All components of retaining walls shall be located on the subject property and shall not encroach onto adjoining lots or right-of-ways, either aboveground or subsurface.

**(d)** Sand shall not be removed from the site unless authorized by the Dare County Planning Department as part of the development activities.

**(e)** Other proposals for sand dune disturbing activities not specifically exempted in subsection (a) may be submitted for review as special uses subject to Planning Board review and Board of Commissioners approval.

**(f)** Unauthorized dune-disturbing activities shall be considered a violation of this chapter and shall be subject to a fine of \$200 for each and every day the violation continues. Mitigation plans prepared by a NC licensed engineer or NC licensed surveyor shall be required for any unauthorized dune-disturbing activity.

These standards do not apply to those sand dunes that are protected by the NC Coastal Area Management Act and subject to those State regulations.

(Am. Ord. passed 8-19-2019; Am. Ord. passed 6-21-2021)