



## Text Amendment Application

**OFFICIAL USE ONLY**

Case Number:

Date Filed:

Gate Keeper:

Amount Paid:

PB 22-19  
10/21/22  
C. Elmer

**Contact Information****APPLICANT:**Name: Currituck County Development Services DepartmentAddress: 153 Courthouse Road, Suite 110  
Currituck, NC 27929Telephone: (252) 232-3055E-Mail Address: kevin.kemp@currituckcountync.gov**Request**

I, the undersigned, do hereby make application to change the Currituck County UDO as herein requested.

Amend Chapter(s) 2 and 4 Section(s) 2.3.6 and 4.2.5. as follows:

This proposed text amendment will require public hearing mailed notices to be sent  
to all property owners within 1,500 feet of the proposed property lines subject to the  
special use permit. The amendment also clarifies what lands can be included in the  
total site when calculating the maximum excavation area, setback reductions, and the  
procedures for mine expansions.

Please see attached sheet for a detailed description.

\*Request may be attached on separate paper if needed.

  
Petitioner10/21/2022

Date

## Proposed Text Amendment- Mining Operations

Detailed description of proposed changes:

- Section 2.3.6.B.(3)- Mailed Notice Requirements
  - (a)(iii)- Add "Except for special use permit applications for extractive industry," This allows different mailing requirements specific for mining operations.
  - Add (a)(iv) "The owners (shown as primary and secondary on the county tax listing) of land within 1,500 feet of the property lines of land subject to the special use permit application for extractive industry (including owners of land located outside the county) whose address is known by reference to the latest ad valorem tax records, and" This increases the distance for mailed notification from 500 feet to 1,500 feet from the property lines of the subject property.
- Section 4.2.5.A.- Extractive Industry
  - (2)- Size- Add "All on-site CAMA and US Army Corps of Engineers designated wetlands and surface waters, including Waters of the US, shall not be included in the total area calculation." This clears up what land within the property boundaries may be counted toward the area of the mining operation.
  - Remove (3)(b)- Setbacks- ~~"Setbacks may be reduced by 50 percent when there is a complete visual screen at least six feet in height and an intermittent visual screen to a height of at least 20 feet between the mining activity and the adjoining use. Further, the Board of Commissioners may reduce non-modified setbacks by 50 percent when the mining activity adjoins a vacant parcel of farmland."~~ This removes the ability to reduce the setback, therefore keeping the setback of 100 feet for all activities associated with the mine and 300 feet from any residence, school, religious institution, hospital, commercial or industrial building, vehicular right-of-way or easement, or cemetery.
- Section 4.2.5.A.- Extractive Industry
  - Remove (15)(a)(i)- Expansion- ~~"With the approval of the Director, additional areas within the site can be mined provided previously mined areas are reclaimed with non-contaminated soils to the original elevation in accordance with state standards. All reclaimed land shall be identified on a map recorded in the registrar of deeds."~~ This removes the provision where the Director can approve an expansion to the mining activities.
  - Remove (15)(a)(ii)- Expansion- ~~"With the approval of the Director, an expansion of an existing mine operation not to exceed 40 percent of the total site area can be mined."~~ This removes the provision allowing the Director to administratively expand the area of the mining operation.
  - (b)(iv)- Additional Standards- Add "including Waters of the US," This clarifies what is included in the total area calculations of the mining operation.

### Text Amendment Submittal Checklist

Staff will use the following checklist to determine the completeness of your application. Only complete applications will be accepted.

## Text Amendment Submittal Checklist

Date Received: 10/22/2022

Project Name: Text Amendment- Mining Operations

Applicant/Property Owner: Currituck County Development Services Department

### Text Amendment Submittal Checklist

1	Complete Text Amendment application	
2	Application fee (\$300)	
3	2 hard copies of ALL documents	
4	1 PDF digital copy of all documents (ex. Compact Disk – e-mail not acceptable)	

### For Staff Only

#### Pre-application Conference

Pre-application Conference was held on October 11, 2022 and the following people were present:

Fall Retreat- Board of Commissioners, County Manager, County Attorney, County Clerk, Development Services Director, Assistant Planning Director

#### Comments

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