



TOWN OF DUCK, NORTH CAROLINA

Residential Land Disturbance Permit Policies

Prior to commencing any project that disturbs the earth (other than planting flowers, shrubs, grasses, or trees or making small (less than two feet) landscaping berms, please contact the Town's Planning and Building Department at 252-255-1234 to determine what permits may be required to conduct the project. Homeowners are responsible for obtaining required permits and it is not safe to assume that a contractor hired to do a job will obtain the required permits...please check to be sure!

If you are installing new driveway or parking areas (concrete, asphalt, pavers, or gravel), accessory structures such as sheds and gazebos or accessory uses such as volleyball and basketball courts, patios, decks, paths, bulkheads, conducting filling/grading/clearing operations or removing and replacing septic systems and similar projects such as extensive drainage systems (even those that do not require a building permit), you are likely to need a Land Disturbance Permit to ensure that setbacks and lot coverage requirements are met and environmental issues may be examined, as necessary. Wooden fences that do not retain earth and small landscaping walls (less than two feet high) and minor landscaping projects do not require a land disturbance permit; however, if they are located in FEMA flood zones, they will require a flood development permit and if they are located in a Coastal Management Area of Environmental Concern, they may require a CAMA permit.

Projects that require a Building Permit or a Land Disturbance Permit will also need to have the approval of the Dare County Health Department. This ensures that you are not encroaching on or too close to your septic field or repair areas or that you have adequate septic capacity in the case of new living space. You will submit your plans to the Health Department and they will place a stamp of approval on your survey plat and on your construction documents prior to submission to the Town for a Land Disturbance or Building Permit.

The following information should be submitted as part of the Land Disturbance permit application:

Plan Requirements – All land disturbance permit plans shall be based on a current site survey prepared by a North Carolina licensed Professional Engineer (PE), licensed surveyor or landscape architect and contain architectural and engineering drawings, maps, assumptions, calculations, and narrative statements as needed to adequately describe the proposed development of the property and the measures planned to comply with the requirements of this ordinance. The survey should show the location of existing and proposed improvements including features such as driveways and gravel parking areas, structures, patios, walkways, and septic systems. A land disturbance plan involving filling or grading activities should also include, but not be limited to:

1. Adjacent property grades;
2. Approximate depth of seasonal high water table;
3. Existing elevations sufficient to determine the drainage patterns on site and on adjoining sites;
4. Locations and elevations of the adjoining street pavement, shoulder, ditches, drainage systems, upstream and downstream driveway culverts;
5. Proposed elevations of the top of bank and toe of slope and limits for fill necessary to construct the dwelling, including driveway access;
6. For all grading/filling activities up to 36” of fill material – A survey depicting the existing and proposed ground elevations shall be submitted at the time building permits are requested. The survey shall also depict the areas on the site where fill material will be placed and the limits of the fill material in relation to the property lines. Fill material shall be graded to avoid runoff on adjoining properties, rights of way, waterways and easements.

- (b) Plan copies –Two (2) copies of the land disturbance permit plans shall be filed with the permit application for administrative review.
- (c) Health Department approval
- (d) CAMA approval, if required
- (e) Fees, per the approved fee schedule

Prior to issuance of the land disturbance permit, an on-site inspection of the project site may be scheduled by the Planning Director or his designee to evaluate the pre-disturbed conditions of the site and, review and discuss the proposed land disturbance activity.