

CHAPTER 2: ZONING DISTRICTS

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Section 2.1 Purpose & Interpretation

2.1.1 Purpose

In accordance with NCGS 153A-342, the county, as shown on the zoning map accompanying this ordinance, is hereby divided into zoning districts which shall be governed by all of the uniform use and dimensional requirements of this ordinance. The purposes of establishing the following zoning districts are:

- A. To implement adopted plans;
- B. To promote public health, safety, and general welfare;
- C. To provide for orderly growth and development;
- D. To provide for the efficient use of resources;
- E. To facilitate the adequate provision of services.

2.1.2 Interpretation

Each zoning district has uses permitted by right, uses permitted with special requirements, conditional uses, and special uses. Tables are shown for each district placing uses under one of the four categories. In addition to the individual district tables, is a detailed Permitted Uses Table showing the uses allowed in each district. The following describes the processes of each of the three categories that the uses are subject to:

- A. Permitted by Right: Administrative review and approval subject to district provisions and other applicable requirements only.
- B. Permitted with Special Requirements: Administrative review and approval subject to district provisions, other applicable requirements, and special requirements outlined in Chapter 3.
- C. Permit with Conditional Use Permit: Administrative review and recommendation, Board of Adjustment review and approval of conditional use permit subject to district provisions, other applicable requirements, and conditions of approval. Some conditional uses may also be subject to special requirements outlined in Chapter 3.
- D. Permitted with Special Use Permit: Administrative review and recommendation, Planning Board review and recommendation, Board of Commissioners review and approval of special use permit subject to district provisions, other applicable requirements, and conditions of approval. Some special uses may also be subject to special requirements outlined in Chapter 4.

2.1.3 Other Requirements

In addition to zoning district regulations see the following sections for other requirements:

See Chapter 3 for Special Requirements for specific uses.

See Chapter 4 for Overlay District Requirements.

See Chapter 5 for specifications on Landscaping and Buffering.

See Chapter 6 for specifications on Environmental Protection.

See Chapter 7 for specifications on Signs.

See Chapter 8 for specifications on Parking and Loading.

See Chapter 9 for specifications on Infrastructure.

See Chapter 10 for specifications on Subdivisions & Open Space.

See Chapter 11 for specifications on Permits.

Section 2.2 Base Zoning Districts

Base zoning districts are created to provide comprehensive land use regulations throughout Currituck County. There are 11 base zoning districts that provide for a variety of uses that are appropriate to the character of the areas in which they are located. For the purpose of this ordinance, Currituck County is hereby divided into the following base zoning districts. These districts shall comply with all of the general and specific requirements of this ordinance.

- A: Agricultural District
- RA: Mixed Residential District
- R: Basic Residential District
- RO1: Outer Banks Standard Residential District
- RO2: Outer Banks Limited Access Residential District
- RR: Residential Recreational District
- GB: General Business District
- C: Commercial District
- LBH: Limited Business Hotels Allowed District
- LM: Light Manufacturing District
- HM: Heavy Manufacturing District

2.2.1 Reserved

This section is reserved for future use.

2.2.2 Residential Districts Established

Each of these districts is designed and intended to secure for the persons who reside there a comfortable, healthy, safe, and pleasant environment in which to live, sheltered from incompatible and disruptive activities:

- A. Agricultural (A) District: The Agricultural (A) district is designed to secure the agricultural integrity of the areas so classified. The uses encouraged in this district are agricultural or related to and dependent on agriculture. This district also

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includes vacant lands whose soils are unsuitable for development with septic systems.

- B. **Mixed Residential (RA) District:** The Mixed Residential (RA) district is designed to provide for mixed residential development on the mainland including site built, modular, double-wide, and (in existing mobile home subdivisions and mobile home parks) single-wide mobile homes. This district is intended to provide moderate cost housing options for residents and restrict the encroachment of mixed residential types in other districts and the encroachment of incompatible business uses (farm related or other) in established residential areas.
- C. **Basic Residential (R) District:** The Basic Residential (R) district is designed to provide for low-density residential development on the mainland in areas that do not intrude into areas primarily devoted to agriculture.
- D. **Outer Banks Standard Residential (RO1) District:** The Outer Banks Standard Residential (RO1) district is designed to accommodate residential development (other than mobile homes) within the portion of the Currituck Outer Banks that is accessible by a state maintained road.
- E. **Outer Banks Limited Access Residential (RO2) District:** The Outer Banks Limited Access Residential (RO2) district is designed to accommodate low density residential development (other than mobile homes) within the portion of the Currituck Outer Banks that is not accessible by a state maintained road.
- F. **Residential/Recreational (RR) District:** The Residential/Recreational (RR) district is designed to provide for some existing campgrounds and camper subdivisions and is retained for the purpose of regulating these existing uses. It is not intended that this district be expanded except in cases where:
 - 1. An existing property containing an RR designation is split by zoning lines; and
 - 2. The expansion only occurs within the lot boundaries as such boundaries existed as of April 2, 1989; and
 - 3. The campground/camper subdivision meets all criteria established in Chapter 3 in addition to not exceeding an overall maximum density of 5.5 units (includes campers and motel rooms) and beds (includes group sleeping quarters) per acre.

2.2.3 Commercial Districts Established

Each of these districts is designed and intended to provide safe and attractive services conveniently located to serve the needs of surrounding residents without disrupting the character of nearby residential areas:

- A. General Business (GB) District: The General Business (GB) district is the least restricted commercial district and is designed to accommodate the widest range of businesses.
- B. Commercial (C) District: The Commercial (C) district is similar to the GB district except that most residential uses are not permitted in this zoning district.
- C. Limited Business, Hotels Allowed (LBH) District: The Limited Business, Hotels Allowed (LBH) district is generally designed to accommodate smaller scale businesses that primarily serve local clientele rather than regional needs. Land will generally be zoned LBH when:
 - 1. Because of its location (e.g. at the intersection of two state maintained highways), it is undesirable as a site for residential development.
 - 2. There is a demand for commercially zoned property at that location.

2.2.4 Industrial Districts Established

Each of these districts is intended primarily to accommodate enterprises engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment:

Light Manufacturing (LM) District: The Light Manufacturing (LM) district is designed to accommodate enterprises engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment. Certain types of manufacturing uses that tend to have significant adverse impacts on surrounding properties are excluded from the LM district.

Heavy Manufacturing (HM) District: The Heavy Manufacturing (HM) district is designed to accommodate enterprises engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment. Certain types of manufacturing uses that tend to have significant adverse impacts on surrounding properties are made permissible only within the HM district.

Section 2.3 Conditional Zoning (PB 07-76, 12/17/07)

2.3.1 Purpose

Conditional zoning districts are zoning districts in which the development and use of the property is subject to standards, regulations, or other conditions imposed as part of the legislative decision creating the district and applying it to the particular property. A conditional zoning district allows particular uses to be established in accordance with specific standards and conditions pertaining to each individual development project. Some land uses are of such a nature or scale that they have significant impacts on both the immediate surrounding area and on the entire community, which cannot be predetermined and controlled by general district standards. There are also

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circumstances in which a general district designation allowing such a use by right would not be appropriate for a particular property even though the use itself could, if properly planned, be appropriate for the property consistent with the objectives of these regulations, the Currituck County Land Use Plan, and other adopted plans.

2.3.2 Parallel Conditional Zoning Districts Established

A parallel conditional zoning district is a zoning district in which the potential permitted use or uses are, except as limited by the conditions imposed on the district, of the same character or type as the use(s) permitted in a general zoning district having a parallel designation or name. A conditional zoning district, bearing the designation "CD" is hereby established as a parallel district for every zoning district established in this ordinance. All regulations which apply to a general zoning district shall also apply to the parallel conditional zoning district.

2.3.3 Pre-application Meeting Required

It is required the applicant hold a pre-application meeting with the administrator prior to submission of an application for a conditional zoning district. The administrator can assist the applicant in determining preliminary assessments regarding the appropriateness of proposed conditions with respect to existing zoning and surrounding land use(s).

2.3.4 Community Meeting Required (PB 08-49, 4/20/09)

Before a hearing is held on an application for a conditional zoning district, it is required that the applicant hold at least one community meeting. The applicant shall indicate on the application, or at the hearing, that a community meeting was held and file a report with the Planning Board. The report should include, among other things, the manner and date of contact, the date, time and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the rezoning application made by the applicant as a result of the meeting.

2.3.5 Conditions, Plans, and Other Information to Accompany Application

- A. Only the property owner(s) of all the property to be included in the district shall be eligible to apply for rezoning to a conditional zoning district.
- B. The owner shall submit an application that specifies the use(s) of the property and shall propose additional conditions to ensure compatibility between the development and the surrounding neighborhood. The information to accompany the application shall include (as applicable):
 1. Verification of community meeting.
 2. A boundary survey and vicinity map showing the property's total acreage, its zoning classification(s), and the general location in relation to streets, railroads, and waterways.

3. All existing easements and rights-of-way.
 4. Areas in which structures will be located.
 5. Proposed use of all land and structures, including the number of residential units and the total square footage of any nonresidential development.
 6. All yards, buffers, screening, and landscaping required by these regulations or proposed by the applicant.
 7. All existing and proposed points of access to public streets.
 8. Delineation of areas within the regulatory floodplain as shown on the Official Flood Hazard Boundary Maps for Currituck County.
 9. Proposed phasing, if any.
 10. The location of existing and proposed storm drainage patterns and facilities intended to serve the proposed development.
 11. Generalized traffic, parking, and circulation plans.
- C. The administrator has the authority to waive any application requirement where the type of use or scale of proposal makes providing that information unnecessary or impractical.
- D. A site plan or any supporting text shall constitute part of the application for all purposes under this section.

2.3.6 Application Approval

- A. In approving an application for the reclassification of property to a conditional zoning district, the Planning Board may recommend, and the Board of Commissioners request, that reasonable and appropriate conditions be attached to approval of the application. Any such conditions should relate to the relationship of the proposed use(s) to surrounding property, proposed support facilities such as parking areas and driveways, pedestrian and vehicular circulation systems, screening and buffer areas, the timing of development, street and right-of-way improvements, water and sewer improvements, storm water drainage, the provision of open space, and other matters that the board may find appropriate or the applicant may propose. The applicant shall have a reasonable opportunity to consider and respond to any such conditions prior to final action by the Board of Commissioners.

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- B. Any conditions attached to the approval of the application may not be less restrictive than would otherwise be required by this Ordinance.

2.3.7 Scope of Approval

- A. Any conditions in association with a conditional zoning district and so authorized shall be perpetually binding upon the property included in such conditional zoning district unless subsequently changed or amended as provided for in this Ordinance.
- B. No condition on a conditional zoning district application shall have the effect of removing or amending any requirement of this Ordinance.
- C. If for any reason any condition imposed pursuant to these regulations is found to be illegal or invalid, or if the applicant should fail to accept or violate any of the conditions of approval, the conditional zoning district shall be deemed null and void and the Board of Commissioners shall initiate proceedings to rezone the property to its previous zoning classification.

2.3.8 Alterations to Approval (PB 10-22, 8/2/10)

- A. Except as provided below, changes to an approved application or to the conditions attached to the approved application shall be treated the same as amendments to the zoning map and shall be processed in accordance with the procedure in this ordinance.
- B. The Administrator or designee shall have the delegated authority to approve an administrative amendment change to an approved CD site plan no more than one time. The standard for approving or denying such a requested change shall be that the change does not significantly alter the site plan or its conditions and that the change does not have a significant impact upon abutting properties. Any decision must be in writing stating the grounds for approval or denial.
 - 1. An insignificant change for nonresidential development is any change that increases the intensity of the development by no more than 5% of the approved requirement or 500 square feet, whichever is less.
 - 2. An insignificant change for residential development is any change that decreases density, increases open space, slight lot line realignments, and slight relocation of streets or drive aisles.
 - 3. The Administrator shall have the discretion to decline to exercise the delegated authority and require a public hearing before the Board of Commissioners.
 - 4. Any request for an administrative amendment shall be pursuant to a written letter, signed by the property owner(s), to the Administrator detailing the

requested change. Upon request, the applicant must provide any additional information that is requested. Accompanying the letter shall be the applicable fee for administrative review. Upon an approval of an administrative amendment, the applicant must file a sufficient number of copies of a revised site plan as deemed necessary by the administrator.

5. If the Administrator denies the requested amendment, then the applicant can appeal that decision to the Planning Board for its review and decision, pursuant to the standard above. If appealed, this requires notification to adjacent property owners within 15 days of the filed appeal. If the Planning Board denies approval of the requested change, then the applicant must file a rezoning petition for an amendment to the site plan to receive further consideration.

Section 2.4 Permitted Uses

2.4.1 Uses that Do Not Require a Zoning, Conditional Use, or Special Use Permit

No zoning, special use, or conditional use permit is necessary for the following uses. However a Land Disturbance Permit, Building Permit, and/or Flood Development Permit may be required per Chapter 11.

- A. Streets
- B. Electric power, telephone, telegraph, cable television, gas, water, and sewer lines, wires or pipes, together with supporting poles or structures, located within a public street right of way
- C. Neighborhood utility facilities located within a public street right-of-way with the permission of the owner of the right-of-way
- D. Electric power distribution lines located within a utility easement other than major transmission lines

2.4.2 Change in Use

- A. A substantial change in use of property occurs whenever the essential character or nature of the activity conducted on a lot changes as follows:
 1. The change involves a change from one use category to another.
- B. A mere change in the status of property from unoccupied to occupied or vice-versa does not constitute a change in use. Whether a change in use occurs shall be determined by comparing the two active uses of the property without regard to any intervening period during which the property may have been unoccupied, unless

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the property has remained unoccupied for more than 180 consecutive days or has been abandoned.

- C. A mere change in ownership of a business or enterprise or a change in the name shall not be regarded as a change in use.

2.4.3 Combination Uses

When a combination use comprises two or more principal uses that require different types of permits (Zoning, Special Use, or Conditional use), then the permit authorizing the combination use shall be:

- A. A conditional use permit if any of the principal uses combined requires a conditional use permit but none requires a special use permit;
- B. A special use permit if any of the principal uses combined requires a special use permit and,
- C. A zoning permit in all other cases.

2.4.4 Mixed Uses

When two or more uses occupy the same building, the more restrictive requirements applicable to any such uses in the district which the lot is located shall apply to such buildings.

2.4.5 Uses Expressly Prohibited

The following uses are specifically prohibited in all districts:

- A. Use of a motor vehicle parked on a lot as a structure in which, out of which, or from which any goods are sold or stored, any services are performed, or other business is conducted, except for the following purposes:
 - 1. Retail sale of food products, with an Albemarle Regional Health Services certification, from a vehicle that is removed from the site each day after completion of the sales;
 - 2. Retail sale of goods and merchandise manufactured, created, or produced by the seller, so long as the vehicle is removed from the site each day after the completion of sales; or,
 - 3. Use of a truck trailer for temporary purposes at a construction site, in accordance with Chapter 3.
- B. Package treatment plant waste water disposal systems that discharge to surface waters;

- C. Use of a boat, houseboat, or other floating structure as a temporary or permanent residence (this shall not prevent the overnight occupancy of a vessel temporarily docked while in transit on navigable waters);
- D. Use of a travel trailer as a permanent residence and use of a travel trailer as a temporary residence outside of a campground, except in accordance with Chapter 3.
- E. Commercial businesses or any part thereof (i.e. horseback riding, hang gliding, etc.) operating on the beach strand, excluding those commercial operations that are considered an accessory use (i.e. umbrella rentals at PUD beach club) and commercial fishing operations. Commercial businesses operated out of an appropriately zoned area that only drop-off customers at the beach strand with their rental item are not subject to this provision but shall be subject to the zoning regulations affecting their base operations. For purposes of this subsection, beach strand shall be defined as that area of beach extending from the dune line to the waters edge.

2.4.6 Board of Adjustment Jurisdiction Over Uses Otherwise Allowed With a Zoning Permit

- A. Whenever the Table of Permissible Uses provides that a use in a nonresidential zone or a nonconforming use in a residential zone is allowed with a zoning permit, a conditional use permit shall nevertheless be required if the Administrator finds that the proposed use would have an extraordinary impact on neighboring properties or the general public.
- B. In making this determination, the administrator shall consider, among other factors, whether the use is proposed for an undeveloped or previously developed lot, whether the proposed use constitutes a change from one principal use classification to another, whether the use is proposed for a site that poses peculiar traffic or other hazards or difficulties, and whether the proposed use is substantially unique or is likely to have impacts that differ substantially from those presented by other uses that are permissible in the zoning district in question.

Section 2.5 Permitted Uses Table

2.5.1 Intent

The Permitted Uses Table contains a listing of uses which may be permitted in one or more of the various zoning districts. Uses are listed in alphabetical order within nine categories as follows:

Residential
Civic & Government
Institutional

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Office & Service
Retail
Recreation & Entertainment
Industrial, Manufacturing, Warehousing, Distribution, & Solid Waste
Agriculture & Livestock
Other

2.5.2 Table Key

The following is a list of the meanings of table entries:

- A. "Z"-indicates that the use is permitted by right in the zoning district and only requires a zoning permit
- B. "C"-indicates that the use is permitted with a conditional use permit in the zoning district
- C. "S"-indicates that the use is permitted with a special use permit in the zoning district
- D. "ZS or "ZC" indicates that such developments require a zoning permit if the lot to be developed is less than five acres in size and a special or conditional use permit, respectively, if the lot is five acres or larger in area.
- E. "SR"- a section number listed in the column indicates that the use has special requirements for the zoning district in which it is permitted. The section number refers to the regulations in Chapter 4
- F. "LUC" – a roman numeral listed in the column indicates the land use code for each use and determines the required bufferyard established in the Table of Bufferyard Requirements in Chapter 5
- G. If a use is not listed in the Permitted Uses Table, the administrator shall classify it with that use that is most similar to it. In doing so, the administrator shall primarily rely upon similarity of operational characteristics and similarity of impacts on adjacent properties. If the administrator determines that a use is not listed and is not similar to a use in the Permitted Uses Table, then such use is prohibited.

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Use	LUC	Zoning Districts											Special Requirements	
		A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM		
Residential Uses														
Accessory Dwellings (apartment)	II		S					Z						
Accessory Structures (residential)	I	Z	Z	Z	Z	Z	Z	Z		Z				3.2.1
Accessory Uses	I	Z	Z	Z	Z	Z	Z	Z		Z				3.2.2
Assisted Living Facilities	II	C	C					Z						
Boarding House, Rooming House	II	C	C					C		C				
Family Care Homes	I	Z	Z	Z	Z	Z	Z	Z		Z				3.2.4
Home Occupations (accessory use)	I	Z	Z	Z	Z	Z	Z	Z		Z	Z			3.2.2
Home Occupations (non-accessory use)	II	C	C	C	C	C	C	Z		Z	C	C		3.2.3
Hunting & Fishing Lodges	II	Z	Z	Z	Z			Z	Z		Z			
Mobile Homes (Class A)-1 unit per lot	I	Z	Z	Z				Z	Z		Z			3.2.5
Mobile Homes (Class A)-2 units per lot	I	Z	Z	Z				Z	Z		Z			3.2.5
Mobile Homes (Class B)-1 unit per lot	I	C	C	C				C	C		C	C	C	3.2.5, 3.2.8
Mobile Homes (Class B)-2 units per lot	I	C	C											3.2.5, 3.2.8
Multi-family (townhomes, condos, apartments)	II							S		S				3.2.6
Multi-family (duplex)	II		S					Z						3.2.6
Multi-family Conversion	II		S					Z						3.2.6
Nursing Care Facilities	III	C	C					Z						
Resident Manager/Caretaker Dwellings	I								C		C	C		
Single Family, detached-1 unit per lot	I	Z	Z	Z	Z	Z	Z	Z		Z				
Single Family, detached-2 units per lot	I	Z	Z	Z				Z	Z		Z			2.6.2
Temporary Emergency, Construction, & Repair Residences	I	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	3.2.7
Use	LUC	Zoning Districts											Special Requirements	
Civic & Government		A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM		
ABC Stores	III				C			Z	Z	Z				
Civil Defense Operations	III	S	S	S	S	S	S	S	S	S	S	S	S	

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Government Offices	III	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
Law Enforcement & Emergency Services	III	S	S	S	S	S	S	S	S	S	S	S	
Schools (elementary & secondary) & Associated Uses	II	Z	Z	Z	Z	Z	Z	Z	Z	Z			
Security Training Operations & Services Facilities	III	S											3.3.1
Use	LUC	Zoning Districts											Special
<i>Institutional</i>		A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM	Requirements
Cemeteries, Family and Church	II	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	3.4.1
Cemeteries (principal use)	II	C	C								Z	Z	
Colleges, Universities, & Associated Uses	II	S	S								S	S	
Correctional Facilities	III										S	S	
Crematoriums	II											S	
Daycare Centers	III	C	C	C	C			Z	Z	Z	Z	Z	
Hospitals & Clinics (not more than 10,000 sq. ft.)	III	C	C	C	C			Z	Z	Z	Z	Z	
Hospitals & Clinics (greater than 10,000 sq. ft.)	III		S					S	S		S	S	
Institutions for the Mentally III	III		S								S	S	
Museums, Libraries, Art Galleries, Art Centers, & Similar Uses	II	S	S	S	C			Z	Z	Z	Z	Z	
Religious Institutions	I	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
Residential Care Institutions	III		S					S	S		S	S	
Schools (private instructional)	II							C	C	C	Z	Z	
Schools (trade or vocational)	II	S	S					S	S	S	S	S	
Social, Fraternal, Civic Organizations	II	Z	Z	C				Z	C	C	Z	Z	
Use	LUC	Zoning Districts											Special
<i>Office & Service</i>		A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM	Requirements
Animal Services (no outdoor kennels)	III	Z						Z	Z		Z	Z	
Animal Services (with outdoor kennels)	III	C						C	C		Z	Z	3.5.1
Animal Services (with explosives training)	III	S											3.5.2
Automotive Services & Repair	III							Z	Z		Z	Z	3.5.3

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Bed & Breakfast Inns	II	C	C	C	C		C	Z		Z			3.5.4
Boat Ramps (publicly owned)	III	S	S	S	S	S	S	S	S	S	S	S	
Boat Ramps (privately owned)	III					Z/C	Z/C	Z/C	Z/C				
Boat Services & Repair	III							Z	Z	Z	Z	Z	
Car Washes	III							Z	Z	Z	Z	Z	
Drive-thru Uses	III							C	C	C	Z	Z	
Dry Cleaning & Laundromats	III							Z	Z	Z	Z	Z	
Funeral Homes	III							Z	Z	Z	Z	Z	
Heavy Equipment Services & Repair	III							C	C		C	C	3.6.1
Hotels/Motels	III							Z/C	Z/C	Z/C			3.5.5
Marinas (privately owned)	III					C	C	C	C	C			3.5.6
Professional Offices	III	C	C	C	C	C		Z	Z	Z	Z	Z	3.5.7
Tattoo and Body Piercing Studios	IV							C	C		C	C	3.5.8
Taxi Service	III	C						Z	Z	Z			3.5.9
Use	LUC	Zoning Districts											Special
Retail		A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM	Requirements
Auction Houses	III							C					
Automotive Sales & Rental	III							C	C		C	C	3.6.1
Boat Sales & Rental	III							C	C		C	C	3.6.1
Convenience Stores	III							Z	Z	Z			
Drive-thru Uses	III							Z	Z	C	Z	Z	
Roadside, Farmer, or Craft Markets	III	C						Z	Z	Z	Z	Z	
Flea Markets	III							C	C	C	C	C	3.6.2
Heavy Equipment Sales & Rental	III							C	C		C	C	3.6.1
Manufactured/Modular Home Sales	III							C	C		C	C	3.6.1
Nurseries or Greenhouses	II	Z	Z					Z	Z	Z	Z	Z	
Pawn Shops	IV								S		S	S	
Restaurants (with drive-through)	III							Z	Z	C	Z	Z	

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Restaurants (without drive-through)	III							Z	Z	Z	Z	Z	
Retail Uses	III							Z	Z	C	Z/S	Z/S	
Shopping Centers	III							S	S				3.6.3
Use	LUC	Zoning Districts											Special
<i>Recreation & Entertainment</i>		A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM	Requirements
Adult Establishments	IV											S	3.7.1
Athletic & Exercise Facilities (indoor)	III							C	C	C	Z	Z	
Automotive & Motorcycle Racing Tracks	IV											S	
Bars & Nightclubs	III							C	C	C	C	C	
Campgrounds, Recreation (private)	III						S						3.7.2
Campgrounds, Recreation (public)	III	S	S	S	S	S	S	S	S	S	S	S	3.7.2
Entertainment Uses (indoor)	III							Z	Z	Z	Z	Z	
Entertainment Uses (outdoor)	II							S	S		S	S	
Horseback Riding, Schools, Boarding	III	C	C	C				C	C		C	C	
Indoor Recreational Facilities (temporary)	III							S	S	S	S	S	3.10.6
Outdoor Recreational Facilities (private)	II	S	S	S	S	S	S	S	S	S	S	S	
Outdoor Recreational Facilities (public)	II	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
Outdoor Tour Operators	II							S	S	S			3.7.3
Recreation Grounds	III						S						3.7.4
Use	LUC	Zoning Districts											Special
<i>Industrial, Manufacturing, Warehousing, Wholesaling, & Solid Waste Uses</i>		A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM	Requirements
Incinerators	IV											S	
Junk Yards & Salvage Yards	IV											S	3.8.1
Landfills & Convenience Centers, County Owned or Operated Sanitary	IV	S	S	S	S	S	S	S	S	S	S	S	
Landfills, Demolition	IV	S	S	S				S	S	S	S	S	
Landfills, Reclamation	IV	C	C	C	C	C	C	C	C	C	C	C	

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Manufacturing, Light	III	C	C					C	C	C	Z	Z	3.8.2
Manufacturing, Heavy	IV	C									Z	Z	
Mining & Quarrying Operations	IV	S	S								S	S	3.8.3
Mini Warehousing	III							C	C		Z	Z	
Office Warehouses	III							Z	Z		Z	Z	
Warehousing & Distribution	III	C									Z	Z	
Wholesale Trade	III							C	Z	Z	Z	Z	
Use	LUC	Zoning Districts											Special Requirements
Agriculture & Livestock		A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM	
Agribusinesses	III	C	C					Z	Z		Z	Z	3.9.1
Agricultural Uses (nonexempt without livestock)	III	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
Agricultural Uses (nonexempt with livestock)	III	Z	Z			Z					Z	Z	
Land Applications of Commercial Sludge & Septage	IV	C											3.9.2
Silvicultural Operations	III	Z	Z	Z			Z	Z	Z	Z	Z	Z	
Stockyards, Slaughterhouses, & Rendering	IV	C										C	
Use	LUC	Zoning Districts											Special Requirements
Other		A	RA	R	RO1	RO2	RR	GB	C	LBH	LM	HM	
Adaptive Reuse of Historic Properties	III	C	C	C	C	C	C	C	C	C	C	C	3.10.1
Airports (county-owned or operated)	IV	S	S	S	S	S	S	S	S	S	S	S	
Airports or Airstrips (private)	IV	S			S						S	S	
Automobile Parking	III							C	C	C	Z	Z	
Crabshedding	III	Z	Z	Z			Z				Z	Z	3.10.2
Lifeguard Stations with Accessory Beach Rentals, County Authorized	I				Z								
Outdoor Display	III							Z	Z	Z	Z	Z	3.10.3
Outdoor Storage	III							Z	Z	Z	Z	Z	3.10.3
Special Events	I	S	S	S	S	S	S	S	S	S	S	S	3.10.4
Temporary Construction & Sales Office	I	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	3.10.5

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Temporary Storage, Offices, Caretaker dwellings	I	Z		Z				Z	Z		Z	Z	
Temporary Tents & Tent Sales	I	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	3.10.6
Telecommunications Towers (50 feet or less)	III	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	3.10.7
Telecommunications Towers (more than 50 feet)	III	C	C					C	C		C	C	3.10.7
Telecommunications Towers (non-commercial amateur 100 feet or less)	III	C	C	C	C	C	C	C	C	C	C	C	3.10.7
Towers, Other Including Water (50 feet or less)	III	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	
Towers, Other Including Water (more than 50 feet)	III	C	C					C	C		C	C	
Utility Facilities	III	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	3.10.8
Wind Energy Facilities, Small System	III	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	3.10.9
Wind Energy Facilities, Large Scale	III	S	S	S	S	S	S	S	S	S	S	S	3.10.9
Wind Energy Facilities, Utility Scale	III	S	S	S	S	S	S	S	S	S	S	S	3.10.9

Amended: (PB 07-68, 1-22-08); (PB 08-49, 10/20/08); (PB 08-55, 5/18/09); (09-06, 8/17/09); (09-25, 9/21/09); (09-29, 10/19/09); (10-12, 4/5/10)

Section 2.6 General Lot Provisions

2.6.1 Street Access

No building, structure, or use of land for other than agricultural purposes shall be established on a lot which does not abut a state maintained street or road or private street as permitted in these regulations, other than lots in the RO2 zoning district, except as provided below:

- A. A permit for construction or use within any residential development may be allowed on a lot that does not abut a public or private street, provided such development is platted in accordance with these regulations, the original development tract, or lot abuts a public or private street in accordance with these regulations, and the resulting lots are provided direct access to a public or private street across common property perpetually maintained for such purposes. Examples include townhome, condominium, and other multi-family residential developments.
- B. A permit for construction or use within any office, commercial, and industrial development may be allowed on a lot that does not abut a public or private street, provided such development is platted in accordance with these regulations, the original development tract or lot abuts a public or private street in accordance with these regulations, and the resulting lots are provided direct access to a public or private street across common property perpetually maintained for such purposes. Examples include office park and shopping center developments.
- C. Every lot shall have access to it that is sufficient to afford a reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use which access shall be no less than 20 feet in width. With respect to lots within the R02 District, what is a "reasonable means of ingress and egress" shall be determined in light of the fact that no state maintained road extends into this district and that access to all lots in this district is generally available only to 4 wheel drive vehicles and no access shall be created in the RO2 District which is less than 20 feet in width.

2.6.2 More Than One Principal Structure Per Lot

- A. Except as allowed in Subsection B below and in individual districts for non-residential and mixed use developments, only one principal building and its customary accessory building(s) shall be located on any lot.
- B. Only one single-family detached dwelling unit is permitted per lot, except that a second detached dwelling on a lot is permitted in all districts pursuant to the Permitted Uses Table provided that the following criteria are met:
 - 1. The lot must have double the minimum road frontage on a state maintained street or approved, improved subdivision street and square footage equal to twice the minimum specified for the zone in which it is located.

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2. Structures and dwellings must be located on the property such that the lot could be divided into two lots with adequate square footage, frontage and setbacks as specified for the zone in which it is located; and,
3. Dwellings must each be provided with independent well and septic systems, or independently connected to central water and sewer.

2.6.3 Lot Requirements (PB 08-49, 10/20/08) (PB 08-41, 11/17/08)

- A. Residential driveways on corner lots shall not be allowed ingress or egress onto the most traveled road. This will be controlled through a five foot non-ingress/egress easement along the property line of the most traveled road.
- B. Cul-de-sac lots shall have a minimum of 35 feet of frontage along a proposed street right-of-way. Lots fronting on cul-de-sacs shall have at least 80 percent of the minimum lot width within 75 feet of the street right-of-way.
- C. CAMA wetland area may not be counted as part of the minimum square footage required of any lot for development nor for any requirement for open space.
- D. One-half of all 404 wetlands as determined by the US Army Corps of Engineers may be counted as part of the minimum lot area required of any lot.
- E. Flag lots may be permitted subject to the following:
 1. No more than five percent of lots within a proposed subdivision may be flag lots as defined within this chapter;
 2. The area within the arm; shall not be included in determining the minimum lot area as demonstrated within Chapter 17 Definitions;
 3. Flag lots are prohibited wherever their effect would be an increase in the number of lots accessing collector or arterial roads.
- F. Lot boundaries shall be made to coincide with natural and pre-existing man-made drainage ways to the extent practical to avoid the creation of lots that can be built upon only by altering such drainage ways. Lots shall be arranged with due consideration given to not disturbing wetlands and other such natural features. Side lot lines shall be at, or near, right angles or radial to street lines.
- G. Lots in all subdivisions, except lots within major open space subdivisions in the RO-2 District, shall not have a depth greater than four times the width measured at the front building setback line except where the board finds that the physical dimensions of the tract provide no other practical alternative. Lots within major

open space subdivisions in the RO-2 District shall not have a depth greater than seven times the width measured at the front building setback line.

- H. Double frontage lots shall establish a five foot non ingress/egress easement on the most traveled roadway.
- I. Notwithstanding the foregoing subsections, the maximum percentage of the portion of any lot or tract located in an Estuarine Shoreline Area of Environmental Concern (lands within 75 feet landward of the mean high water level, or normal water level of estuarine waters) that may be covered by impervious surfaces (including principal and accessory buildings as well as any paved parking area regardless of the paving material used) is 30 percent.

2.6.4 Setback Requirements (PB 10-28, 11/15/10)

- A. Fill is not allowed within ten feet of either side on rear property lines. Fill is not allowed within ten feet of the front (street) property line except for driveway improvements and as approved by the county engineer. Lots within planned unit developments and single family residential lots with centralized water and sewer service in an oceanfront LBH zoning district are exempt from these regulations. Fill may be allowed within ten feet of any property line subject to county engineer review and approval of a site specific engineered grading and drainage plan for single family residential lots with centralized water and sewer service in an oceanfront LBH zoning district.
- B. Residential drive aisles and parking spaces shall not be located any closer than ten foot from the front property line, excluding residential lots within planned unit developments (PUD).
- C. For lots located along Major Arterials (US 158, NC 168, NC 34, NC 136, NC 615 and NC 12), the minimum structure setback shall be increased by 30 feet (except for NC 12 where a 100 foot right-of-way exists). However, the increased setback shall not apply to bank automated teller machines, gas pumps with associated canopies and vehicular areas serving the gas pumps, and covered parking and service areas associated with drive-in restaurants, provided a minimum 20 foot setback is maintained along major arterials.
- D. The location of required front, side and rear yards on irregularly shaped lots shall be determined by the administrator. The determination will be based on the spirit and intent of this ordinance to achieve an appropriate spacing and location of buildings and structures on individual lots.
- E. Corner lots shall be considered to have two front yards and shall utilize the minimum front setback for each street frontage. No structure shall be located within the sight triangle as defined by this ordinance.

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- F. Setback distances shall be measured from the property line, street right-of-way line, or recorded vehicular easement line, whether public or private, to a point on the lot that is directly below the nearest extension of any part of the structure, excluding:
1. The outermost 3 feet of any uncovered porch, step, eaves, gutter, canopy, concrete or wooden deck, patio and sidewalk extending more than 12 inches above the ground or similar fixture; No encroachments are allowed within ten feet of any property line.
 2. The outermost five feet of any concrete or wooden deck, patio and sidewalk if no portion of the same extends more than 12 inches above the ground; No encroachments are allowed within ten feet of any property line.
 3. Any structure that is not a part of the building itself but is a mere appendage to it, such as a flagpole, etc. No encroachments are allowed within ten feet of any property line.
 4. Handicapped ramps. No encroachments are allowed within ten feet of any property line.
 5. Public walkways, neighborhood walkways and walkways shared between 2 or more property owners that extend more than 12 inches above the ground and that may contain a dune deck or gazebo authorized by CAMA.
 6. Piers, walkways, dune deck or gazebo authorized by CAMA.
- G. A roof over a pre-existing stoop may encroach into required setbacks provided the roof does not cover more than 40 square feet in area.
- H. Guard gates may be placed within a right-of-way with permission of the owner of that right-of-way and provided the location does not constitute a hazard to the public.
- I. Where a future right-of-way has been identified, street setbacks shall be measured from the future right-of-way.
- J. Arbors may be located within 20 feet of a major arterial road.
- K. In accordance with this ordinance, when two or more parcels share a common driveway in order to reduce the number of curb cuts, the adjoining side yard setbacks shall not apply provided all fire code regulations are met and adequate utility and drainage easements are provided.
- L. Where land acquisition for a public purpose reduces a yard of developed properties such that the minimum standards of the Unified Development Ordinance cannot be met, minimum principal structure setbacks for that yard may be reduced by 25 percent. Reductions of greater than 25 percent shall not be allowed except by a variance granted from the Board of Adjustment; and,

- M. Where a lot is within 500 feet of developed properties on the same side of the road that contain two or more legally nonconforming principal structures in terms of front yard setbacks, the front yard setback for that lot shall be the average setback of all conforming and legally nonconforming principal structures on the same side of the road within 500 feet of the lot in question. However, under no circumstance may the front yard setback be less than the furthest setback on the adjoining lot or be reduced more than 25 percent of the minimum required except by a variance granted from the Board of Adjustment.

2.6.5 Height Requirements (PB 10-22, 8/2/10)

- A. For purposes of this section, the height of a building is measured as the vertical distance measured from grade plane to the average height of the highest roof surface.
- B. The height of parapets, uncovered decks, and observation platforms shall be measured from grade plane to the highest uncovered surface, including the rail or bench, and shall meet the district height limitations set forth in the dimensional requirements of this chapter.
- C. Grade plane is a reference plane representing the average of finished ground level adjoining the building at exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and a point six feet from the building.
- D. The average height of the roof is the mid-height between the roof eave and the roof ridge of the highest roof surface, regardless of the shape of the roof. The average height of multiple roof levels is not to be used to determine the building height.
- E. There shall be no more than three habitable floors.
- F. The following features are exempt from the district height limitations set forth in the dimensional requirements subsection provided the minimum required setback for the feature is increased by one foot for every 1 foot in height the feature exceeds 35 feet:
 - 1. church spires, elevator shafts, chimneys, (residential chimneys shall not be subject to increased setbacks stated above), and decorative architectural and similar structural appendages not intended as places of occupancy or storage (but parapets and similar structural appendages as well as decks and observation platforms shall not be exempt);
 - 2. flagpoles;

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3. heating and air conditioning equipment, solar collectors, and similar equipment, fixtures and devices;
 4. poles supporting utility lines;
 5. windmills for nonresidential uses;
 6. hydraulic cranes used for bungee jumping operations provided no bungee jumping activities are within 500 feet of any property line containing a residential use and within 400 feet of any major arterial street;
 7. water towers for approved water systems;
 8. asphalt and concrete batching and mixing towers; and
 9. bulk storage silos and storage towers.
- G. The following features are exempt from the district height limitations set forth in the dimensional requirements subsection provided the minimum required setback for the feature is increased by one foot for every one foot in height:
1. towers, antennas, and wind turbines (to the extent such uses are allowed in the Permitted Uses Table).
- H. Structures located in the vicinity of the Currituck County Airport may be subject to the Airport Area Height Restrictions of the Currituck County Code of Ordinances and the official Currituck County Airport Area Height Restriction Zone Map.

Section 2.7 Dimensional Requirements

2.7.1 Dimensional Tables (PB 08-49, 10/20/08) (PB 09-10, 4/20/09)

The following tables depict the allowable lot size, width, coverage, setbacks and height for a given use. The table should be used as a guide for development, taking into consideration the footnotes that are referenced. In some cases a specific use may be required to meet a specific requirement as set forth in Chapter 3. The first table; **Table of Area, Separation and Height**, provides information specific to underlying, or base, zoning districts as described in Chapter 2, while the second table; **Table of Overlay District Area and Width**, provides information exclusive to Overlay Districts as defined in Chapter 4, which also governs lot size and width.

The densities set forth in this Section are permissible only if and to the extent that water and sewer facilities are or will be made available to serve the proposed density in accordance with the provisions of Chapter 9 of this Ordinance (Infrastructure) or if water and sewer facilities are not available to serve the proposed density, then such density shall be limited by the availability of conventional individual water wells and septic

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systems, being approved for the particular lot or parcel. In addition, nothing in this Section shall be interpreted as authorizing a type of use (e.g., multi-family) in a district (e.g., R, RO1 or RO2) where such uses are not permitted under the Permitted Uses Table.

In determining the number of dwelling units permissible on a tract of land fractions shall be dropped.

TABLE OF AREA, SEPARATION AND HEIGHT

Zone	Minimum Lot Size (acres and square feet)								Max. Lot Coverage (percentage) ⁽⁹⁾			Floor Area Ratio ⁽¹⁰⁾	Min. Setbacks (feet) ⁽⁷⁾			Max. Height (feet)
	Individual Lots & Minor Subdivisions (up to 5 lots)		Conventional Subdivisions (up to 40 lots)		Conservation Subdivisions (41 lots or more)		Other						Front	Side	Rear	
	Lot Size ⁽¹⁾	Lot Width ⁽²⁾	Lot Size ⁽³⁾	Lot Width ⁽⁸⁾	Lot Size ⁽⁴⁾	Lot Width	Lot Size	Lot Width	< 10,000 sq. ft.	10,000 – 19,000 sq. ft.	> 19,000 sq. ft.					
A ⁽⁵⁾	3 acres	125	3 acres ⁽⁶⁾	125	20,000	100	3 acres	125	45	35	30	-	20	15	25	35
RA	40,000	125	40,000 ⁽⁶⁾	125	20,000	100	40,000	125	45	35	30	-	20	15	25	35
R	40,000	125	40,000 ⁽⁶⁾	125	20,000	100	40,000	125	45	35	30	-	20	15	25	35
RO1	20,000	125	20,000 ⁽⁶⁾	125	20,000	100	40,000	125	45	35	30	-	20	15	25	35
RO2	120,000	125	120,000 ⁽⁶⁾	125	1.5 acres	100	120,000	125	45	35	30	-	20	15	25	35
RR	40,000	125	40,000 ⁽⁶⁾	125	20,000	100	40,000	125	45	35	30	-	20	15	25	35
GB	-	-	-	-	-	-	40,000	125	65			.400	20	15	25	35
C	-	-	-	-	-	-	40,000	125	65			.400	20	15	25	35
LBH	-	-	-	-	-	-	40,000 ¹¹	125 ¹¹	65			.400	20	15	25	35
LM	-	-	-	-	-	-	40,000	125	65			.400	20	15	25	35
HM	-	-	-	-	-	-	40,000	125	65			.400	20	15	25	35

- (1) In a Family Subdivision (Minor), one lot may be created per year for a total of five lots. Lots shall have a minimum of 40,000 square feet except in the RO2 District where the minimum lot size shall apply.
- (2) Corner lots shall be 10 feet wider than the required minimum lot width in order to accommodate the additional setback requirement.
- (3) A Conventional Subdivision may be developed without open space if each of the lots is five acres or more and the minimum lot width is 200 feet.
- (4) See Section 10.4 for density bonuses.
- (5) Each parcel as it existed on April 2, 1989 may create a total of five 40,000 square foot lots. If that parcel has been recombined with another parcel or parcels at some later date or is adjacent to another parcel under the same ownership, each parcel shall be allowed to create five parcels of 40,000 square feet, however the subdivision may be subject to the major subdivision review process.
- (6) The required lot size may be reduced to 20,000 square feet (1.5 acres in the case of RO2) if the lot size reduction is applied to the open space area.
- (7) Any lot shown within a subdivision or PUD granted a minimum of sketch plan approval from the Planning Board prior to April 2, 1989 shall: (i) have a ten foot side yard setback; and, (ii) have a ten foot rear setback where the rear lot line abuts a common open space area.
- (8) Five acre lot conventional subdivisions shall require a minimum lot width of 200 feet.
- (9) The total lot coverage may be increased by 15 percent if: (i) 50 percent of the maximum allowable lot coverage is in Turfstone™ or equivalent porosity as determined by the county engineer; or, (ii) the development is served by an approved and functional stormwater management plan as determined by the county engineer.
- (10) The floor area ratios set forth in Subsection (1) shall not apply to residential uses within the listed districts except with respect to lots that also contain buildings used for nonresidential purposes (in which case the FAR's shall be applicable to all buildings on such lots).
- (11) The required lot size may be reduced to 20,000 square feet and the required minimum lot width may be reduced to 75 feet when developed as a oceanfront single family residential lot with centralized water and sewer service. (10-28,11/15/10)

* See Chapter 4 for additional dimensional requirements for development located in overlay districts.

* See Chapter 5 for additional buffer yard setbacks for nonresidential uses.

DIAGRAM OF LOT INFORMATION

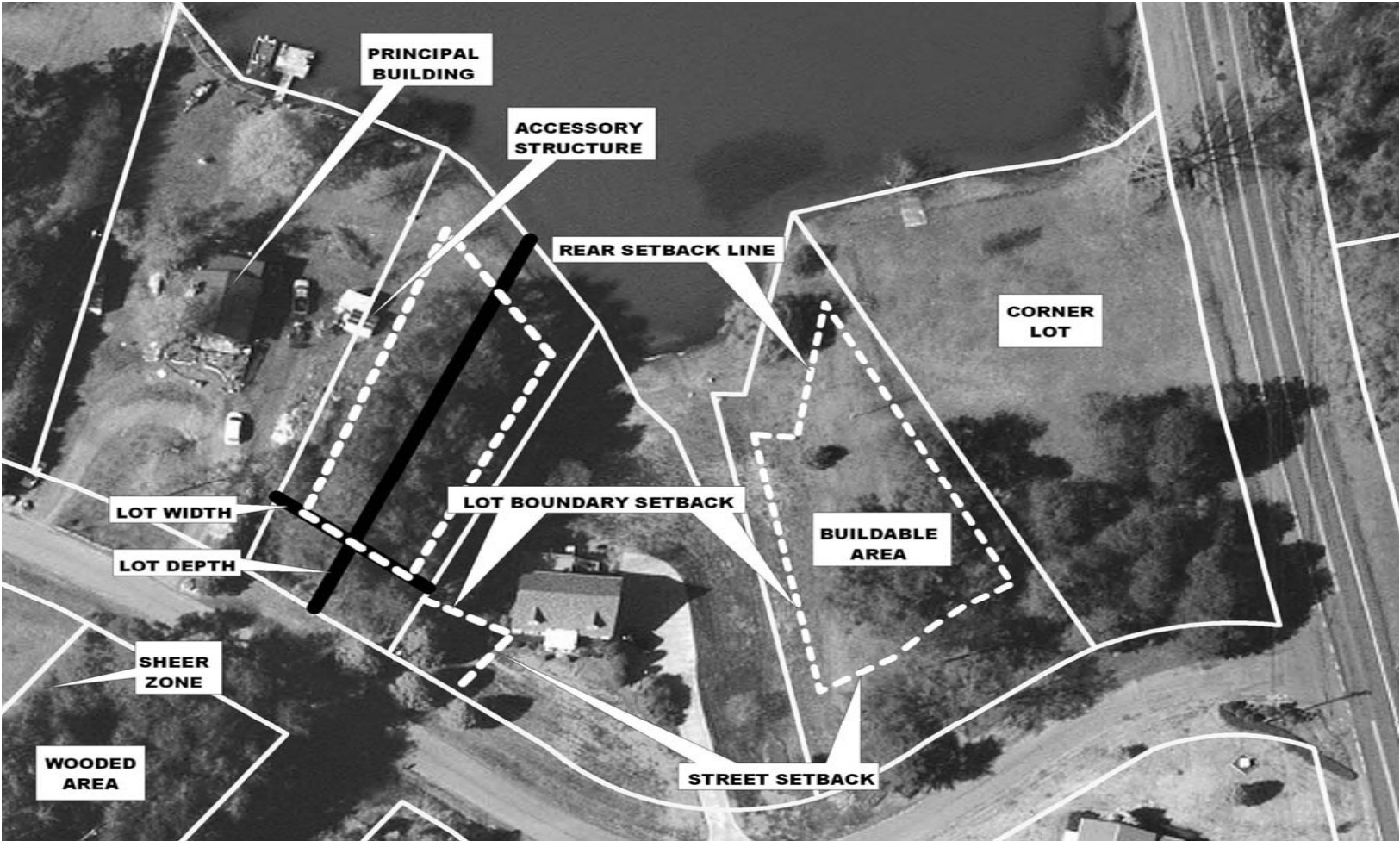


TABLE OF OVERLAY DISTRICT AREA AND WIDTH

Overlay	Minimum District Area	Minimum Lot Width (ft.)
Planned Unit Development (PUD)	50 acres	65
Residential Airpark Development (RAD)	40 acres	125
Planned Adult Retirement (RET)	10 acres	50
Residential Multifamily Development (RMF)	5 acres	125

(PB 08-49, 10/20/08)

(1) May be reduced to 7,500 square feet if the lot size reduction is added to the required open space area

Section 2.8 Residential Accessory Structure Location and Setbacks

- A. Unless otherwise noted in Chapter 3, Special Requirements, accessory structures in residential districts shall meet the following setbacks:
 - 1. Front: 20 feet
 - 2. Side: 10 feet
 - 3. Rear: 10 feet

- B. Boat houses and docks requiring a CAMA permit, may located in accordance with that CAMA permit and not be subject to rear yard setback requirements.