

3

**ZONING
DISTRICTS**

Chapter 3. Zoning Districts

3.1.	General Provisions.....	3.1
3.1.1.	Types of Zoning Districts.....	3.1
3.1.2.	Compliance with District Standards.....	3.1
3.2.	Base Zoning Districts Established.....	3.1
3.2.1.	General.....	3.1
3.2.2.	Zero Lot Line Development	3.2
3.3.	Special Base Zoning Districts	3.4
3.3.1.	General Purposes.....	3.4
3.3.2.	Resource Conservation (RC) District	3.6
3.3.3.	Agriculture (AG) District.....	3.8
3.4.	Residential Base Zoning Districts	3.10
3.4.1.	General Purposes.....	3.10
3.4.2.	Single-Family Residential-Mainland (SFM) District.....	3.12
3.4.3.	Single-Family Residential-Outer Banks (SFO) District.....	3.14
3.4.4.	Single-Family Residential-Outer Banks Remote (SFR) District	3.16
3.4.5.	Single-Family Residential-Isolated (SFI) District	3.18
3.4.6.	Mixed Residential (MXR) District.....	3.20
3.5.	Business and Mixed-Use Base Zoning Districts.....	3.24
3.5.1.	General Purposes.....	3.24
3.5.2.	General Business (GB) District.....	3.26
3.5.3.	Limited Business (LB) District.....	3.28
3.5.4.	Village Center (VC) District.....	3.30
3.5.5.	VC Sub-District-Specific Development Standards.....	3.31
3.5.6.	Light Industrial (LI) District.....	3.32
3.5.7.	Heavy Industrial (HI) District.....	3.34
3.6.	Conditional Base Zoning Districts	3.36
3.6.1.	Establishment of Conditional Zoning Districts	3.36
3.6.2.	General Purposes.....	3.36
3.6.3.	Classification of Conditional Zoning Districts.....	3.36
3.6.4.	Applicable Regulations	3.37
3.6.5.	Conceptual Development Plan	3.37
3.6.6.	Relationship to Overlay Zoning Districts.....	3.37
3.6.7.	Applied to Entire Lot	3.37
3.7.	Planned Development Base Zoning Districts.....	3.38
3.7.1.	General.....	3.38
3.7.2.	General Standards for All Planned Development Districts...	3.39
3.7.3.	Planned Development – Residential (PD-R) Legacy District	3.44
3.7.4.	Planned Development – Mixed (PD-M) District.....	3.45
3.7.5.	Planned Development – Outer Banks (PD-O) District	3.46

Chapter 3. Zoning Districts

3.8.	Overlay Zoning Districts.....	3.49
3.8.1.	Purpose	3.49
3.8.2.	Establishment of Overlay Zoning Districts	3.49
3.8.3.	Classification of Overlay Zoning Districts.....	3.49
3.8.4.	Relationship to Base Zoning Districts.....	3.49
3.8.5.	Airport Overlay (AO) District.....	3.49
3.8.6.	Corolla Village Overlay (CVO) District	3.53

CHAPTER 3. ZONING DISTRICTS

3.1. GENERAL PROVISIONS

3.1.1. Types of Zoning Districts

Land within the county is generally classified by this Ordinance to be within one of a number of base zoning districts. Land may be reclassified to one of a number of comparable conditional zoning districts in accordance with Section 2.4.4, Conditional Rezoning, or to one of several planned development zoning districts in accordance with Section 2.4.5, Planned Development. Land within any base, conditional, or planned development zoning district may also be classified into one or more overlay zoning districts, in which case regulations governing development in the overlay district shall apply in addition to the regulations governing development in the underlying base zoning district, conditional zoning district, or planned development zoning district.

3.1.2. Compliance with District Standards

No land within the county shall be developed except in accordance with the zoning district regulations of this chapter and all other regulations of this Ordinance, including but not limited to: Chapter 4: Use Standards, Chapter 5: Development Standards, Chapter 6: Subdivision and Infrastructure Standards, and Chapter 7: Environmental Protection.

3.2. BASE ZONING DISTRICTS ESTABLISHED

3.2.1. General

Table 3.2.1, Base Zoning Districts Established, sets out the base zoning districts established by this Ordinance. Base zoning districts are grouped into Special, Residential, Business and Mixed-Use, and Planned Development districts.

TABLE 3.2.1: BASE ZONING DISTRICTS ESTABLISHED	
DISTRICT NAME	ABBREVIATION
SPECIAL DISTRICTS	
Resource Conservation	RC
Agriculture	AG
RESIDENTIAL DISTRICTS	
Single-Family Residential – Mainland	SFM
Single-Family Residential – Outer Banks	SFO
Single-Family Residential – Outer Banks, Remote	SFR
Single-Family Residential – Isolated	SFI
Mixed Residential	MXR
BUSINESS AND MIXED-USE DISTRICTS	
General Business	GB

SECTION 3.2: BASE ZONING DISTRICTS ESTABLISHED**Subsection 3.2.2: Zero Lot Line Development****TABLE 3.2.1: BASE ZONING DISTRICTS ESTABLISHED**

DISTRICT NAME	ABBREVIATION
Limited Business	LB
Village Center	VC
Light Industrial	LI
Heavy Industrial	HI
PLANNED DEVELOPMENT DISTRICTS	
Planned Development – Residential Legacy	PD-R
Planned Development – Mixed	PD-M
Planned Development – Outer Banks	PD-O

A. Classification of Base Zoning Districts

Land shall be classified or reclassified into a base zoning district only in accordance with the procedures and requirements set forth in Section 2.4.3, Zoning Map Amendment, or Section 2.4.5, Planned Development District, as appropriate.

B. Relationship to Overlay Zoning Districts

Regulations governing development in an overlay zoning district shall apply in addition to the regulations governing development in the underlying base zoning district. If the standards governing a base zoning district expressly conflict with those governing an overlay zoning district, the standards governing the overlay zoning district shall control.

C. Organization of Base Zoning District Regulations

Sections 3.3 through 3.5 set out the general purposes of each group of base zoning districts and contain subsections that set out the specific purpose, density, bulk, and dimensional standards for each individual base zoning district. These subsections have a common structure consisting of a purpose statement, applicable dimensional standards, photographs showing hypothetical preferred building forms for the district, a graphic depiction of typical street layout and lot patterns, and a hypothetical graphic depiction of the district's bulk and dimensional standards as applied to typical lot patterns and building forms. Each district includes a summary table of dimensional standards that include numbers in black circles. The black circles in the dimensional standards table correspond to the black circles depicted in the district graphics. The building form photographs and lot pattern diagrams are for illustrative purposes only, and may not be consistent with all the dimensional requirements. In these cases, the dimensional requirements in the text of this Ordinance shall control. The range of allowable uses for each base zoning district are described in Chapter 4: Use Standards, which includes Table 4.1.1.A. Summary Use Table, a summary use table specifying permitted, special, and allowable uses for each of the base zoning districts and references any standards specific to individual uses.

3.2.2. Zero Lot Line Development

In addition to traditional development, this UDO also allows zero lot line development in the residential and business and mixed-use districts in accordance with the following standards.

SECTION 3.2: BASE ZONING DISTRICTS ESTABLISHED**Subsection 3.2.2: Zero Lot Line Development****A. Applicability**

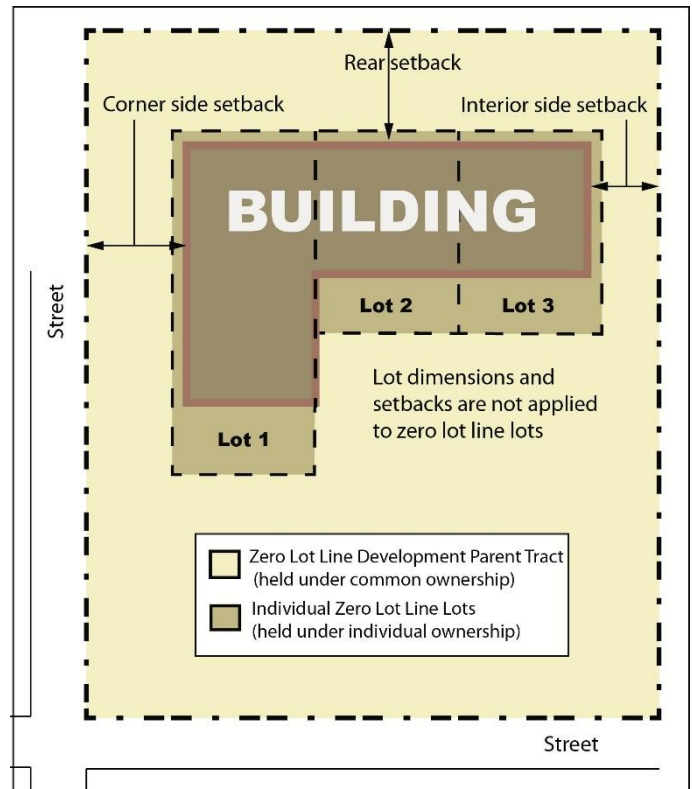
These standards apply to two-to four-family, townhouse, multi-family, nonresidential, or mixed-use development with two or more side-by-side lots, where each individual lot contains a portion of a single building that is shared with other lots in the same zero lot line development.

B. Procedure

Establishment of new or modifications to existing zero lot line development is subject to review and approval as a major site plan in accordance with Section 2.4.7.D, Major Site Plan Review Procedure.

C. Standards**(1) Lot Size and Configuration**

- (a)** No lot size, maximum lot coverage, or minimum lot width standards shall apply to interior lots within a zero lot line development (see Figure 3.2.2, Zero Lot Line Development).
- (b)** The zero lot line development, when considered as a single development under common ownership instead of a series of smaller lots under separate ownership surrounded by a larger tract owned in common, shall comply with all applicable lot size, configuration, and open space requirements for the base zoning district where located.

Figure 3.2.2, Zero Lot Line Development**(2) Dimensional Requirements**

- (a)** Side setbacks shall not apply to interior lots within a zero lot line development.
- (b)** Buildings built on two or more zero lot line lots are required to meet the front, corner side, and rear setbacks as applied to the development as a whole for the district where located.

SECTION 3.3: SPECIAL BASE ZONING DISTRICTS

Subsection 3.3.1: General Purposes

(3) Unified Control Required

- (a)** The zero lot line development, as a whole, shall be subject to control by a homeowner's or property owner's association or other entity that can exercise unified control over the common areas and site features serving the development (e.g., parking, landscaping, etc.).
- (b)** The applicant shall submit documents for the creation of the homeowners or property owners association to the county for review and approval, including the association's bylaws, all documents governing ownership, maintenance, and use restrictions.
- (c)** The applicant shall agree that the association shall be established by the landowner or applicant and shall be operating (with financial subsidization by the owner or applicant, if necessary) before approval of the first zoning compliance permit, for the development.
- (d)** Membership in the association shall be required (mandatory) for all purchasers of land, dwelling units, or structures in the development, and their successors in title.

D. Compliance with Other Standards

Zero lot line development is subject to all applicable use standards in Chapter 4: Use Standards, applicable design and development standards in Chapter 5: Development Standards, the subdivision requirements in Chapter 6: Subdivision and Infrastructure Standards, and the environmental standards in Chapter 7: Environmental Protection.

3.3. SPECIAL BASE ZONING DISTRICTS

3.3.1. General Purposes

The special base zoning districts established in this section are intended to address special lands where typical growth and development does not occur, either because the lands contain important natural resources or natural hazards (Resource Conservation district) or are rural or agricultural in nature (Agricultural district).

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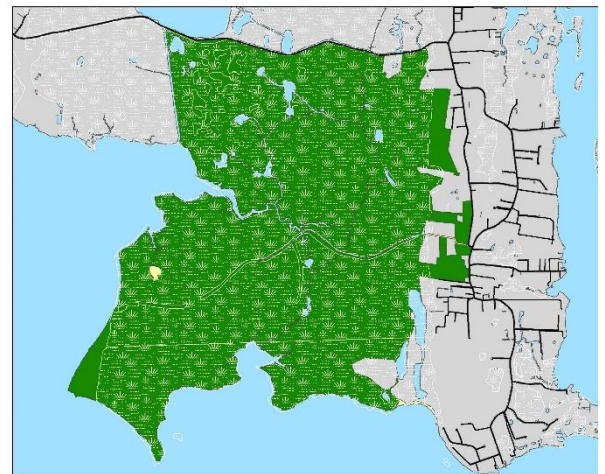
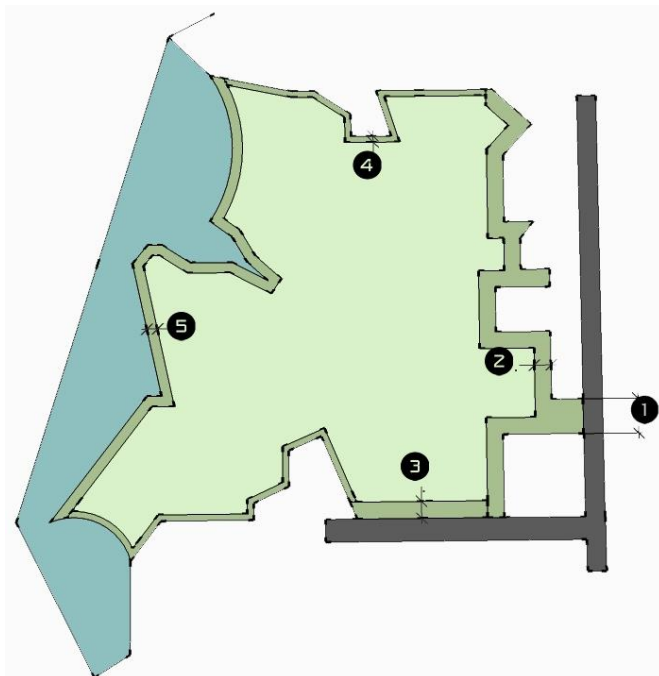
3.3.2. Resource Conservation (RC) District

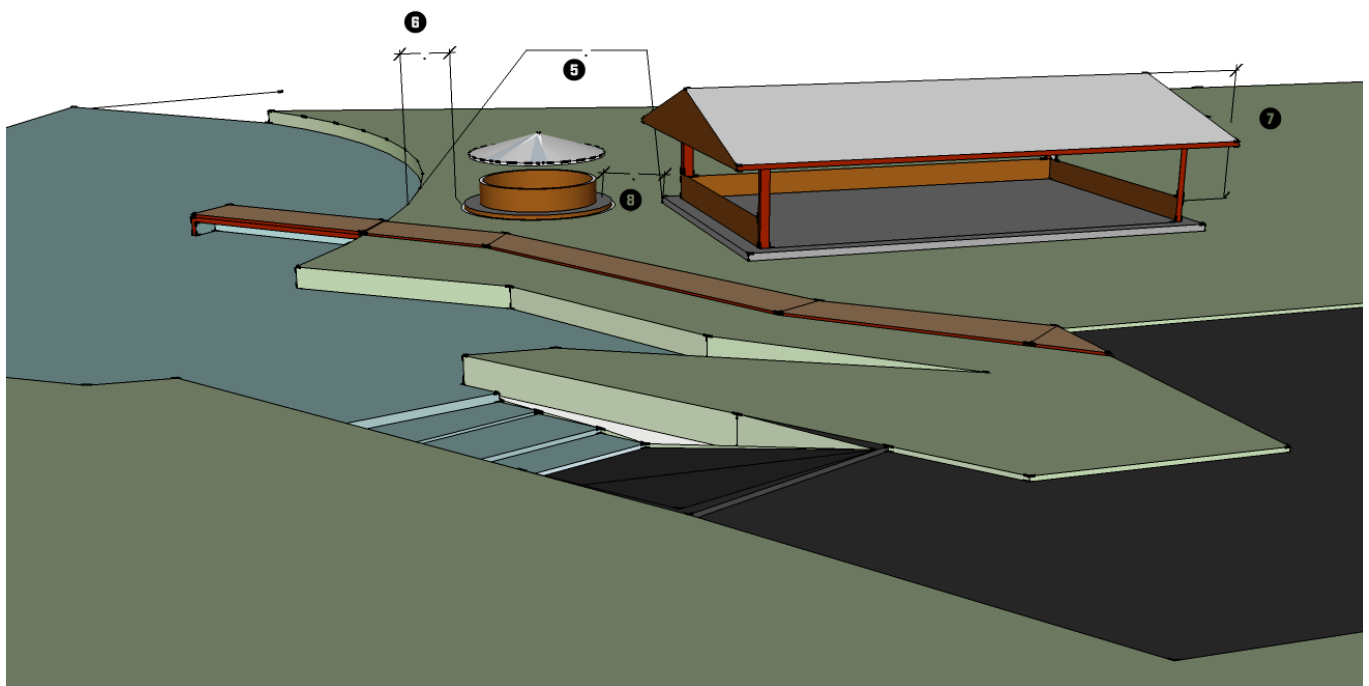
RC

RESOURCE CONSERVATION DISTRICT

**A. DISTRICT PURPOSE**

The Resource Conservation (RC) district is established to preserve and protect identifiable natural resources and areas of environmental concern on public or semi-public lands from incompatible development. The district is intended to protect swamps, wetlands, and riparian corridors from erosion and sedimentation; retain natural heritage areas and protect their environmentally-sensitive character; preserve and protect habitats for species of concern; preserve and protect sand dunes, maritime forest, and near-shore underwater habitat from intrusion by development; protect archeological resources from disturbance; and preserve and maintain the aesthetic qualities and appearance of the county. The district allows low-impact recreational facilities (trails, boardwalks, docks, boat launches), accessways, utilities, erosion control features, and public parks. The district does not permit residential or commercial development, marinas, or on-site wastewater treatment.

B. LOT PATTERNS**C. LOT CONFIGURATION**

D. TYPICAL BUILDING FORMS**E. BUILDING CONFIGURATION****F. DIMENSIONAL STANDARDS**

Max. Gross Density (du/ac)	N/A	Min. Major Arterial Street Setback (ft)	50
Max. FAR (%)	N/A	Min. Side Setback (ft)	15 4
Min. Lot Area (sq ft)	40,000	Min. Rear Setback (ft)	35 5
Max. Lot Area (sq ft)	None	Min. Agricultural Setback (ft)	50
Min. Lot Width, Interior Lot (ft)	None	Min. Accessory Use Setback (ft)	10 6
Min. Lot Width, Corner Lot (ft)	None 1	Min. Driveway/Parking Setback (ft)	10
Max. Lot Depth (ft)	None	Min. Fill Setback from all Lot Lines (ft) [2]	10
Max. Lot Coverage (%) [1]	10	Min. Wetland/Riparian Buffer (ft) [2]	30
Min. Front Setback (ft)	50 2	Max. Building Height (ft)	35 7
Min. Corner Side Setback (ft)	50 3	Min. Spacing Between Buildings (ft)	10 8

[1] Limited to 30% of the lot area within 75 feet of the water level of Estuarine Shoreline AEC areas

[2] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

3.3.3. Agriculture (AG) District

AG

AGRICULTURE DISTRICT



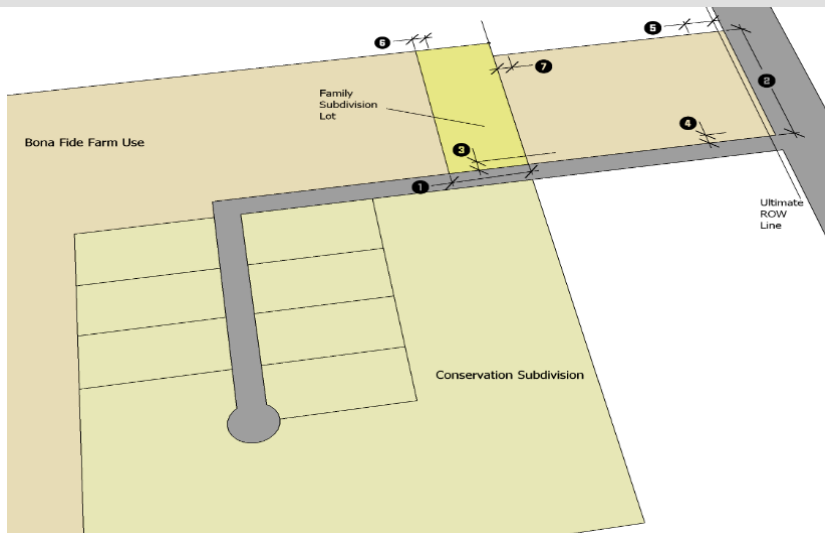
A. DISTRICT PURPOSE

The Agriculture (AG) district is established to accommodate agriculture and agriculturally-related uses (including residential development) at very low densities in rural portions of the county. The district is intended to preserve and protect active agricultural uses, farmlands, and other open lands for current or future agricultural use. The district accommodates small-scale residential uses and allows farmers to capture a portion of the land's development potential through special provisions for conservation subdivisions that allow a portion of a tract or site to be developed with single-family homes while the balance of the site is left as open lands available for continued agricultural use. The district accommodates a wide range of agricultural and agricultural-related uses like "agri-business" and "agri-entertainment", but prohibits uses that are not directly related to or that do not provide direct support for agricultural activities.

B. LOT PATTERNS



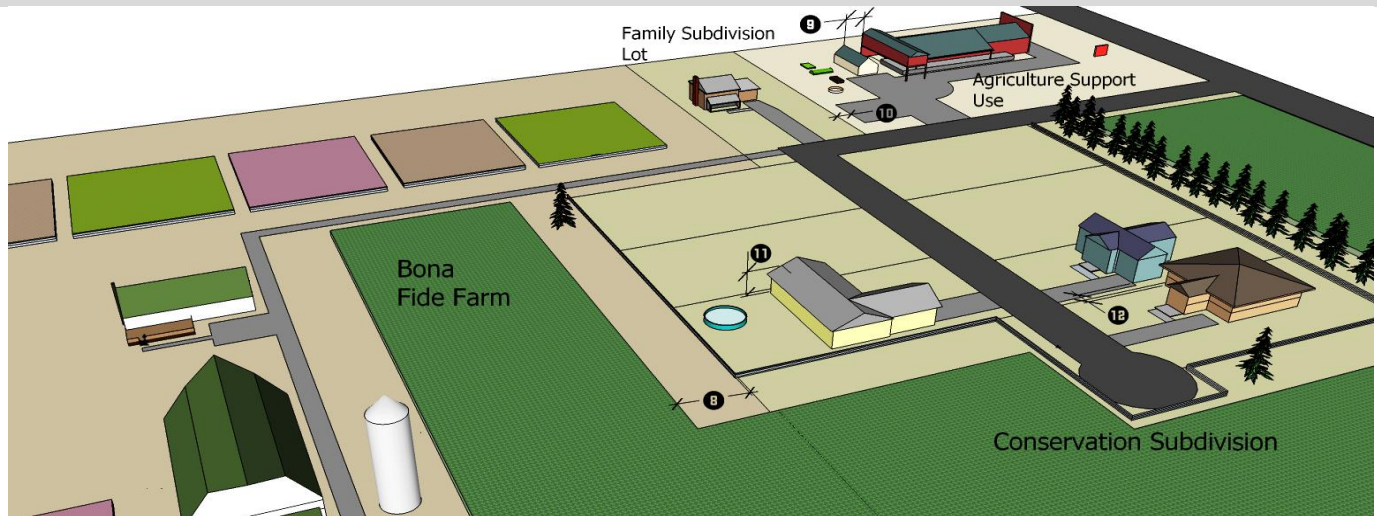
C. LOT CONFIGURATION



All major subdivisions shall be designed in accordance with the conservation subdivision standards in Section 6.4.

D. TYPICAL BUILDING FORMS



E. BUILDING CONFIGURATION**F. DIMENSIONAL STANDARDS**

CS = Conservation Subdivision Development

	CS		CS
Max. Gross Density (du/ac)	-	Max. Lot Coverage (%)	30
With 50% Open Space (du/ac)		Min. Front Setback (ft) [4]	50/20 3
County Water Supply	0.33	Min. Corner Side Setback (ft) [4]	50/20 4
No County Water Supply [7]	0.15	Min. Major Arterial Street Setback (ft)	50 5
With 60% Open Space (du/ac)	0.4	Min. Side Setback (ft)	15 6
Max. Nonresidential FAR (%)	N/A	Min. Rear Setback (ft)	25 7
Min. Lot Area [1]		Min. Agriculture Setback (ft) [5]	50 8
County Water Supply (square feet)	30,000	Min. Accessory Use Setback (ft)	10 9
No County Water Supply (acres) [7]	2	Min. Driveway/Parking Setback (ft)	10 10
Max. Lot Area (acres)	N/A	Min. Fill Setback from all Lot Lines (ft)	10
Min. Lot Width, Interior Lot (ft) [2]	N/A 1	Min. Wetland/Riparian Buffer (ft) [5]	30
Min. Lot Width, Corner Lot (ft)	N/A 2	Max. Building Height (ft) [6]	35 11
Max. Lot Depth	N/A	Min. Spacing Between Principal Buildings (ft)	10 12

[1] Minor subdivision lots shall be at least 40,000 square feet in area on public water supply and, 3 acres in area when the proposed minor subdivision exceeds the county water supply connection distance formula

[2] All lots shall maintain a minimum street frontage of 35 feet

[3] Lot depth shall not exceed four times the lot width

[4] Front setbacks shall be measured from ultimate ROW line. Lots approved after September 5, 2023 shall be subject to a 50' front and side corner setback. Lots approved prior to September 6, 2023 shall be subject to a 20' front and corner side setback.

[5] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater.

[6] Not applied to farm structures meeting minimum setbacks plus an additional setback of one foot for each foot in height over 35 feet

[7] Applied to subdivisions that exceed the county water supply connection distance formula in Chapter 6

3.4. RESIDENTIAL BASE ZONING DISTRICTS

3.4.I. General Purposes

The residential base zoning districts established in this section are intended to provide a comfortable, healthy, safe, and pleasant environment in which to live and recreate. More specifically, they are intended to:

- A.** Provide appropriately located lands for residential development that are consistent with the goals, objectives, and policies of the Land Use Plan and applicable small area plans;
- B.** Ensure adequate light, air, privacy, and recreational and open space areas for each dwelling, and protect residents from the negative effects of noise, excessive population density, traffic congestion, flooding, and other significant adverse environmental impacts;
- C.** Protect residential areas from fires, explosions, toxic fumes and substances, and other public safety hazards;
- D.** Provide for residential housing choice, affordability, and diversity with varying housing densities, types, and designs, including accessory dwelling units;
- E.** Provide for safe and efficient vehicular access and circulation and promote bicycle-, and pedestrian-friendly neighborhoods;
- F.** Provide for public services and facilities needed to serve residential areas and accommodate public and semi-public land uses that complement residential development or require a residential environment while protecting residential areas from incompatible nonresidential development;
- G.** Create neighborhoods and preserve existing community character while accommodating new development and redevelopment consistent with the county's goals and objectives; and
- H.** Preserve the unique character and historic resources of the traditional neighborhoods and the community.

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3.4.2. Single-Family Residential-Mainland (SFM) District

SFM

SINGLE-FAMILY RESIDENTIAL MAINLAND



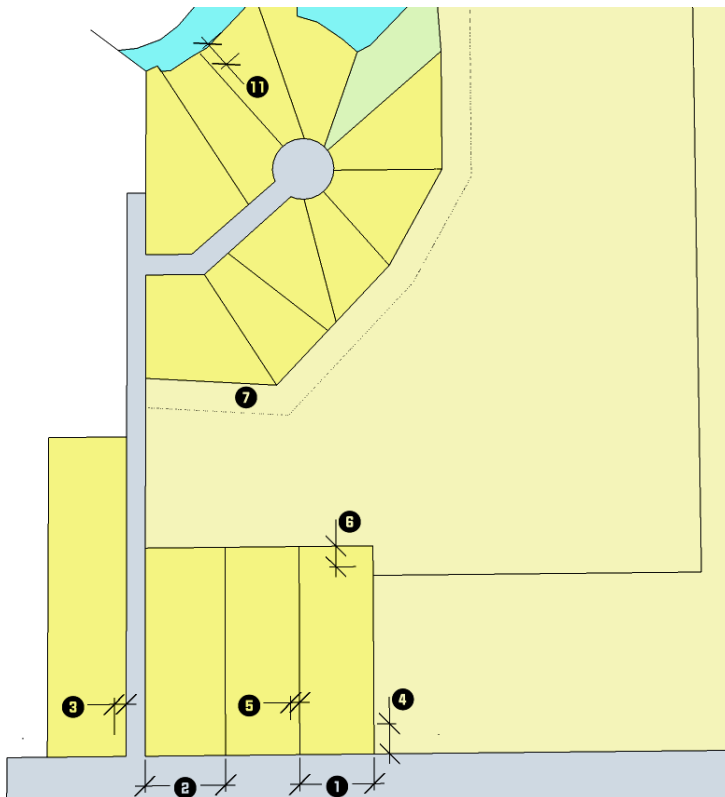
A. DISTRICT PURPOSE

The Single-Family Residential-Mainland (SFM) district is established to accommodate low density residential neighborhoods and supporting uses on mainland Currituck County. The district is intended to accommodate residential development in ways that will not interfere with agricultural activity, interrupt scenic vistas from the Caratoke Highway, or place undue stress on the county's educational infrastructure. A variety of residential use types are allowed in the district, including single-family detached homes, manufactured homes on their own lots, detached accessory dwelling units, as well as duplexes. The district accommodates agriculture, equestrian uses, minor utilities, as well as various neighborhood-supporting institutional uses such as parks, open space, religious institutions, schools, and similar uses. Major utilities require approval of a special use permit, while commercial, office, and industrial uses are prohibited.

B. LOT PATTERNS

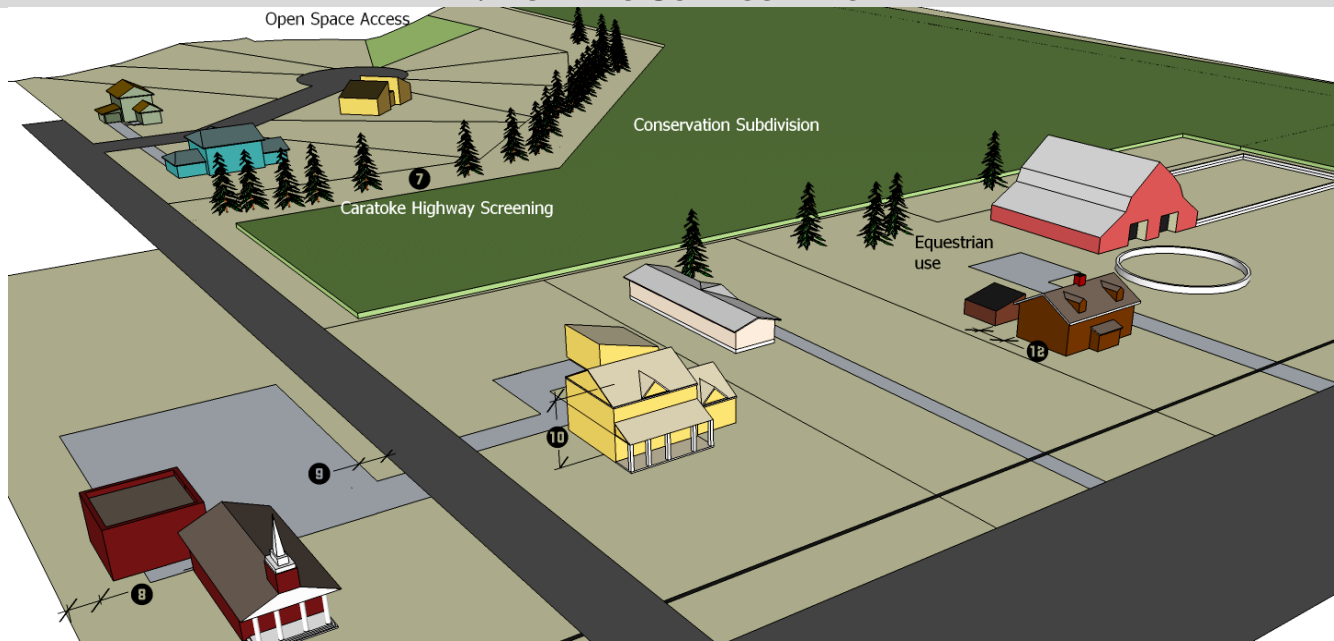


C. LOT CONFIGURATION



Development established after January 1, 2013 that fronts or is within 1,000 feet of a major arterial street shall provide streetscape landscaping in accordance with Section 5.2.8.

All major subdivisions shall be designed in accordance with the conservation subdivision standards in Section 6.4.

SECTION 3.4: RESIDENTIAL BASE ZONING DISTRICTS**Subsection 3.4.2: Single-Family Residential-Mainland (SFM) District****D. TYPICAL BUILDING FORMS****E. BUILDING CONFIGURATION****F. DIMENSIONAL STANDARDS**

CS = Conservation Subdivision Development

	CS		CS
	-	Min. Front Setback (ft) [4]	50/20
Max. Gross Density – Conservation Sub.		Min. Corner Side Setback (ft) [4]	50/20 3
In Rural/Conservation Areas (du/ac)	0.33	Min. Major Arterial Street Setback (ft)	50 4
In Limited Service Areas (du/ac)	0.75	Min. Side Setback (ft)	10 5
In Full Service Areas (du/ac)	1.0	Min. Rear Setback (ft)	25 6
Max. Nonresidential FAR (%)	N/A	Min. Agriculture Setback (ft) [5]	50 7
Min. Lot Area (sf ft)	25,000	Min. Accessory Use Setback (ft)	10 8
Max. Lot Area (acres)	N/A	Min. Driveway/Parking Setback (ft)	10 9
Min. Lot Width, Interior Lot (ft) [1]	N/A 1	Min. Fill Setback from all Lot Lines (ft)	10
Min. Lot Width, Corner Lot (ft)	N/A 2	Max. Building Height (ft)	35 10
Max. Lot Depth	N/A	Min. Wetland/Riparian Buffer (ft) [5]	30 11
Max. Lot Coverage (%)	30	Min. Spacing Between Principal Buildings (ft)	10 12

[1] All lots shall maintain a minimum street frontage of 35 feet

[2] Lot depth shall not exceed four times the lot width

[3] 35% for platted lots of 19,000 sf in area or less

[4] Front setbacks shall be measured from ultimate ROW line. Lots approved after September 5, 2023 shall be subject to a 50' front and side corner setback. Lots approved prior to September 6, 2023 shall be subject to a 20' front and corner side setback.

[5] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

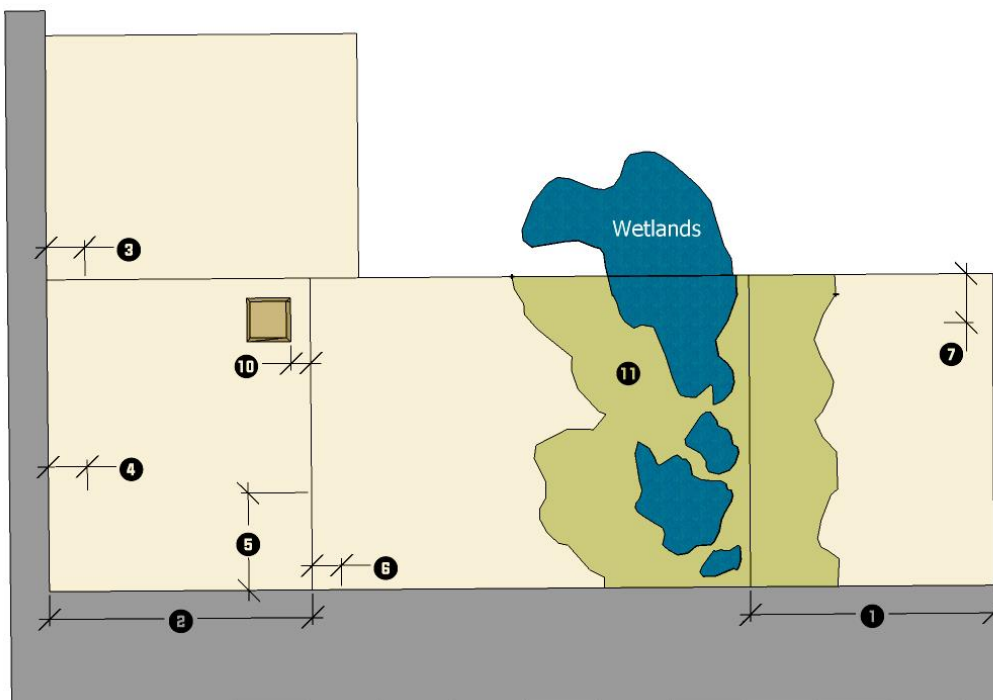
SECTION 3.4: RESIDENTIAL BASE ZONING DISTRICTS**Subsection 3.4.3: Single-Family Residential-Outer Banks (SFO) District****3.4.3. Single-Family Residential-Outer Banks (SFO) District**

SFO

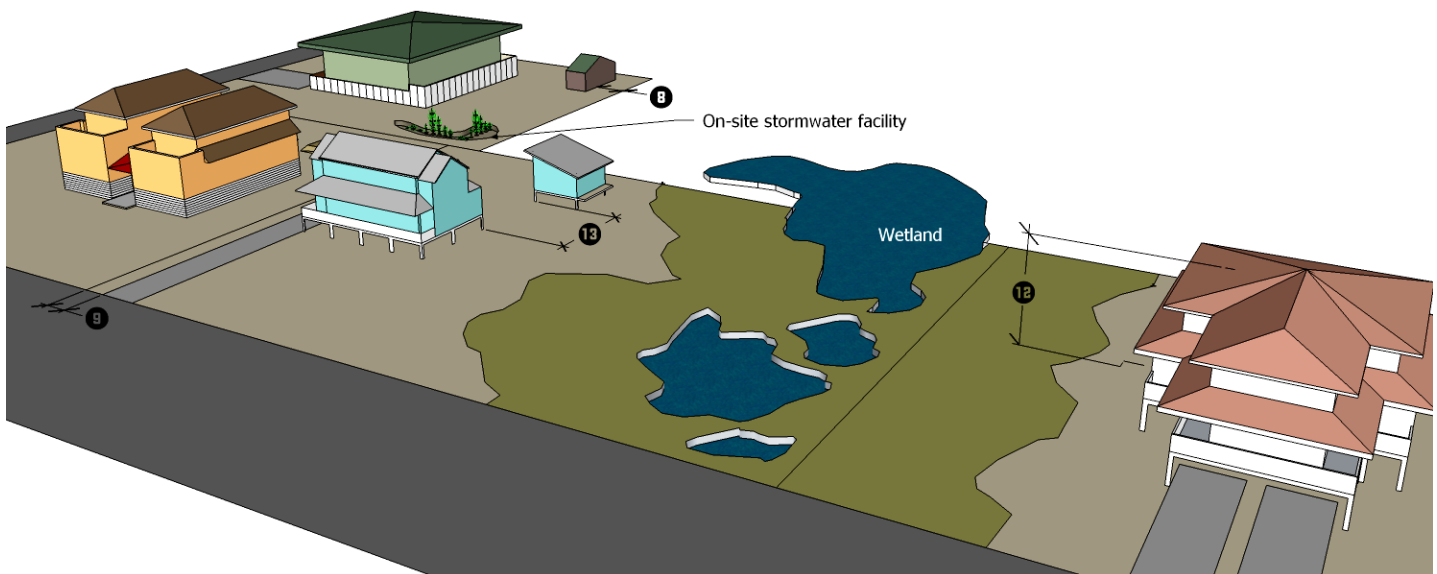
SINGLE-FAMILY RESIDENTIAL OUTER BANKS

**A. DISTRICT PURPOSE**

The Single-Family Residential-Outer Banks (SFO) district is established to accommodate low- to medium-density residential neighborhoods and supporting uses on the portion of the outer banks south of Currituck Milepost 13. The district is intended to accommodate residential and supporting uses in a manner that preserves sensitive natural resources, protects wildlife habitat, reduces traffic congestion, and seeks to minimize damage from flooding and catastrophic weather events. A variety of residential use types are allowed in the district, including single-family detached homes and detached accessory dwelling units (with a special use permit). The district also accommodates minor utilities, as well as various neighborhood-supporting institutional uses such as parks, open space, shoreline access, religious institutions, and schools. All development in the district is subject to stormwater management, dune and maritime forest protection, and special exterior lighting limitations. Major utilities and marinas require approval of a special use permit, while commercial, office, and industrial uses are prohibited.

B. LOT PATTERNS**C. LOT CONFIGURATION**

All development in the SFO district is subject to the lighting standards in Chapter 5, and the stormwater and environmental protection standards in Chapter 7 of this Ordinance.

SECTION 3.4: RESIDENTIAL BASE ZONING DISTRICTS**Subsection 3.4.3: Single-Family Residential-Outer Banks (SFO) District****D. TYPICAL BUILDING FORMS****E. BUILDING CONFIGURATION****F. DIMENSIONAL STANDARDS**

Max. Density (du/ac)	N/A	Min. Major Arterial Street Setback (ft)	50	5
Max. Nonresidential FAR (%)	0.40	Min. Side Setback (ft)	10	6
Min. Lot Area (sf ft)	20,000	Min. Rear Setback (ft)	25	7
Max. Lot Area (acres)	N/A	Min. Agricultural Setback (ft) [5]	50	
Min. Lot Width, Interior Lot (ft)	100 [1]	Min. Accessory Use Setback (ft)	10	8
Min. Lot Width, Corner Lot (ft)	110	Min. Driveway/Parking Setback (ft)	10	9
Max. Lot Depth	[2]	Min. Fill Setback from all Lot Lines (ft) [6]	10	10
Max. Lot Coverage (%)	30 [3]	Min. Wetland/Riparian Buffer (ft) [5]	30	11
Min. Front Setback (ft) [4]	20	Max. Building Height (ft)	35	12
Min. Corner Side Setback (ft)	20	Min. Spacing Between Principal Buildings (ft)	10	13

[1] All lots shall maintain a minimum street frontage of 35 feet

[2] Lot depth shall not exceed four times the lot width

[3] 35% for platted lots of 19,000 sf in area or less

[4] Front setbacks shall be measured from ultimate ROW line

[5] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

[6] Except as needed for driveways

3.4.4. Single-Family Residential-Outer Banks Remote (SFR) District

SFR

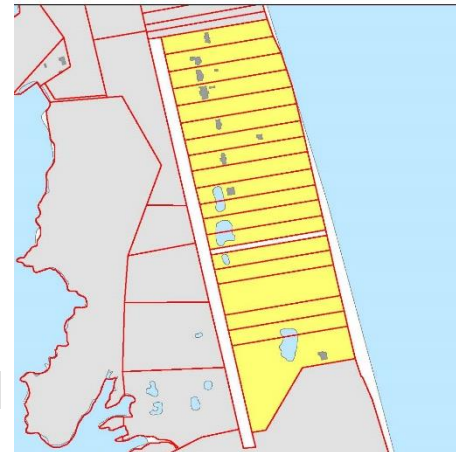
SINGLE-FAMILY RESIDENTIAL OUTER BANKS REMOTE



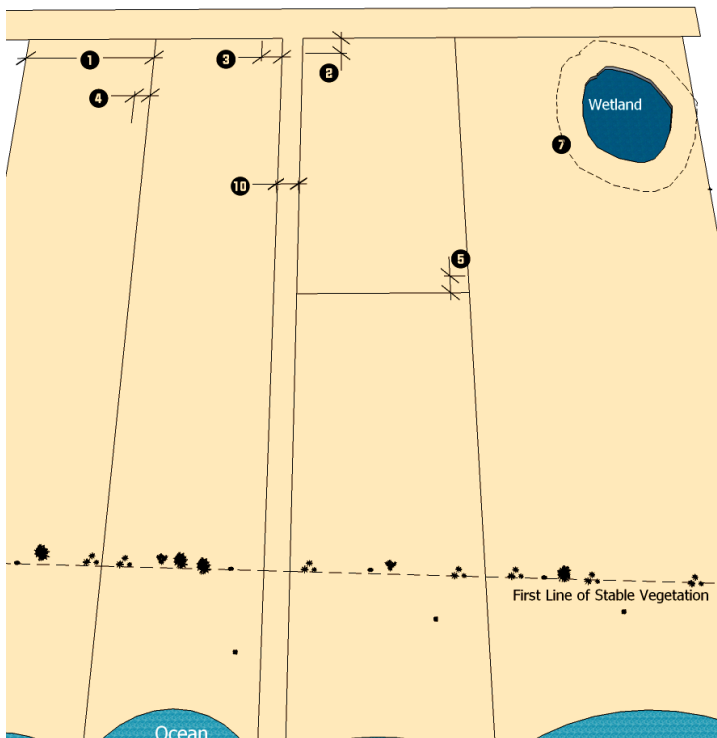
A. DISTRICT PURPOSE

The Single-Family Residential-Outer Banks Remote (SFR) district is established to accommodate very low density residential development on the portion of the outer banks north of Currituck Milepost 13. The district is intended to accommodate limited amounts of development in a manner that preserves sensitive natural resources, protects wildlife habitat, recognizes the inherent limitations on development due to the lack of infrastructure, and seeks to minimize damage from flooding and catastrophic weather events. The district accommodates single-family detached homes on lots platted prior to April 2, 1989, even in cases where the lot does not meet the minimum lot area requirement for the district. All development in the district is subject to stormwater management, dune and maritime forest protection, and special exterior lighting limitations. Public safety and utility uses are allowed, while commercial, office, and industrial uses are prohibited.

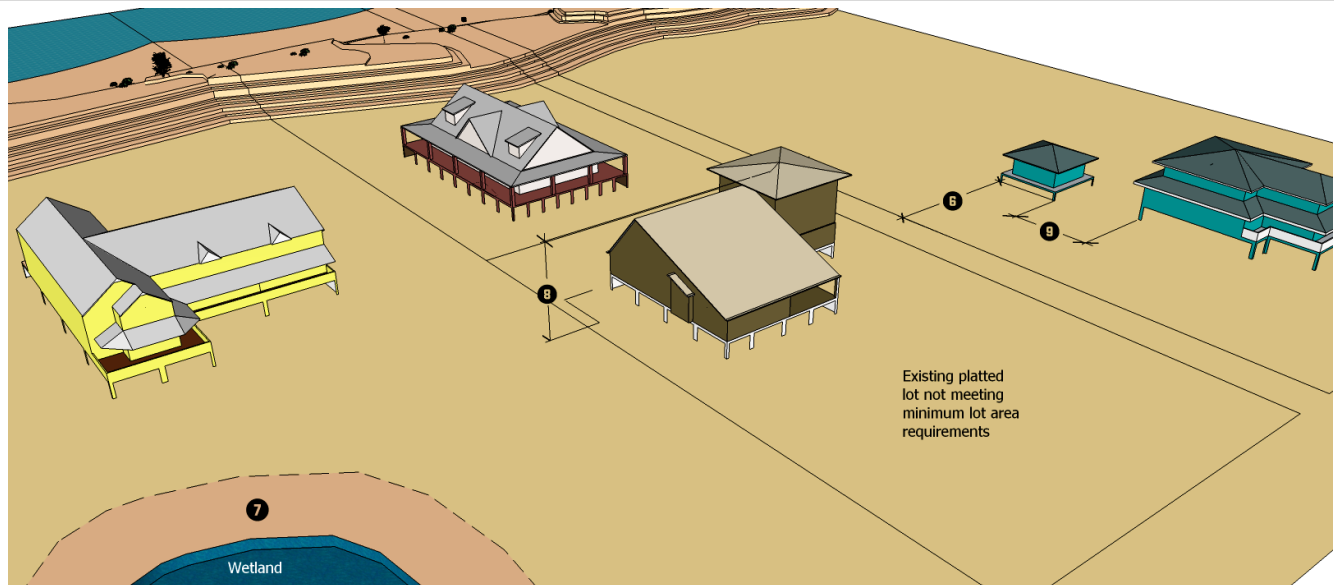
B. LOT PATTERNS



C. LOT CONFIGURATION



Vacant nonconforming lots in the SFR district shall comply with Section 8.4.3, Development on Vacant Nonconforming Lots.

SECTION 3.4: RESIDENTIAL BASE ZONING DISTRICTS**Subsection 3.4.4: Single-Family Residential-Outer Banks Remote (SFR) District****D. TYPICAL BUILDING FORMS****E. BUILDING CONFIGURATION****F. DIMENSIONAL STANDARDS**

Max. Gross Density (du/ac)	N/A	Min. Side Setback (ft)	10	4
Max. Nonresidential FAR (%)	N/A	Min. Rear Setback (ft) [4]	25	5
Min. Lot Area (sq ft) [1]	120,000	Min. Agricultural Setback (ft) [5]	N/A	
Max. Lot Area (sq ft)	N/A	Min. Accessory Use Setback (ft)	10	6
Min. Lot Width, Interior Lot (ft)	125	1 Min. Driveway/Parking Setback (ft)	N/A	
Min Lot Width, Corner Lot (ft)	125	Min. Fill Setback from all Lot Lines (ft)	N/A	
Max. Lot Depth (ft)	[2]	Min. Wetland/Riparian Buffer (ft) [5]	30	7
Max. Lot Coverage (%)	30 [3]	Max. Building Height (ft)	35	8
Min. Front Setback (ft)	20	2 Min. Spacing Between Principal Buildings (ft)	10	9
Min. Corner Side Setback (ft)	20	3 Min. Public Vehicular Accessway Width (ft)	20	10
Min. Major Arterial Street Setback (ft)	N/A			

[1] Applies to family subdivision lots

[2] Lot depth shall not exceed seven times the lot width on beachfront lots

[3] 35% for platted lots of 19,000 sf in area or less

[4] Beachfront lots are also subject to CAMA Small Structure Setback Line requirements

[5] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

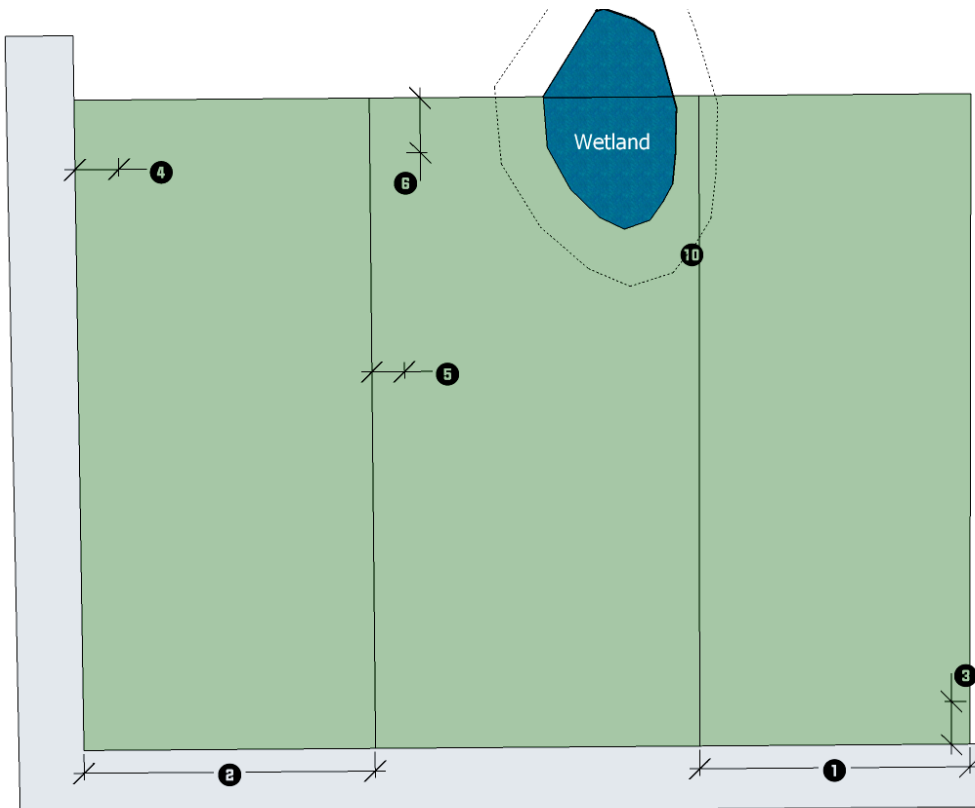
3.4.5. Single-Family Residential-Isolated (SFI) District

SFI

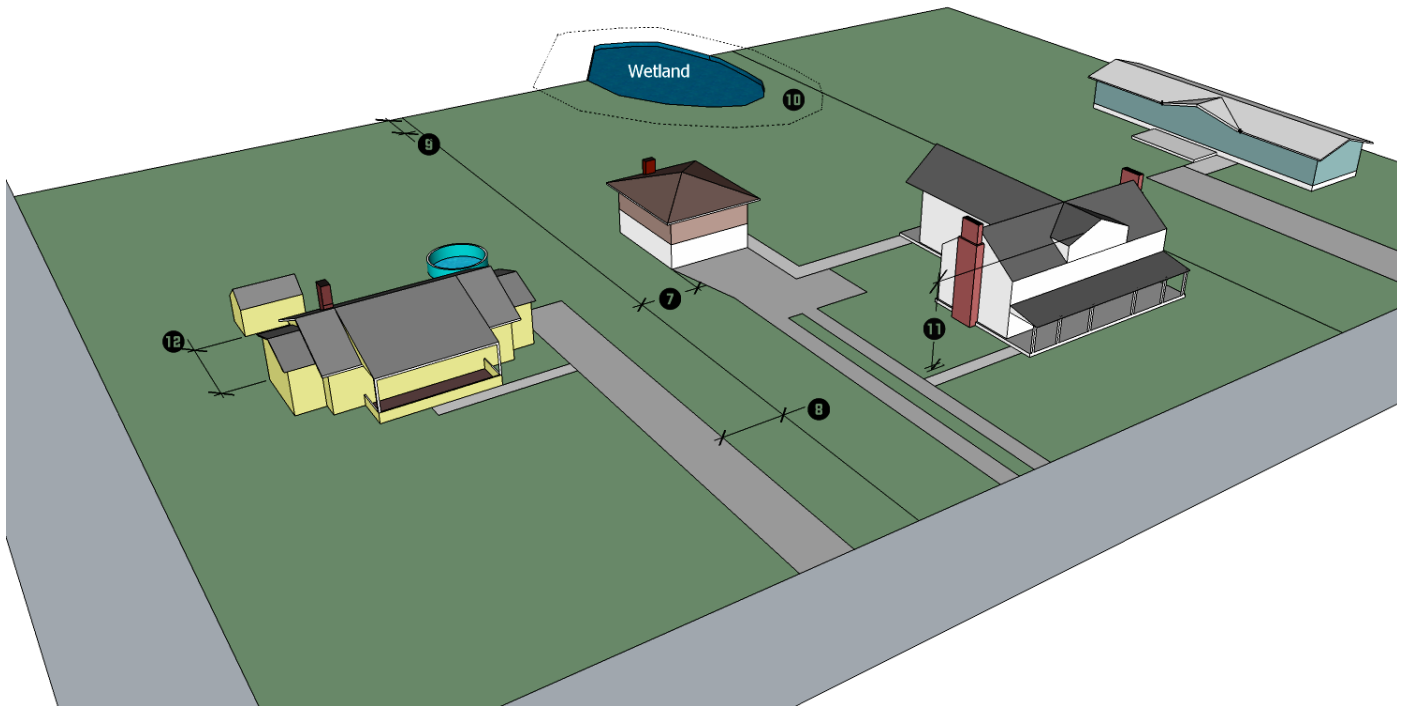
SINGLE-FAMILY RESIDENTIAL ISOLATED

**A. DISTRICT PURPOSE**

The Single-Family Residential-Isolated (SFI) district is established to accommodate low density residential neighborhoods and supporting uses in remote portions of Currituck County that are not directly accessible from roadways on the mainland, such as Knotts Island or Gibbs Woods. The district is intended to accommodate residential development in ways that will not interfere with agricultural activity or wildlife habitat. Residential uses allowed in the district include single-family detached homes and manufactured homes on individual lots. Subdivisions approved after January 1, 2013 shall maintain lots of at least three acres per lot. The district accommodates agriculture, equestrian uses, minor utilities, as well as various neighborhood-supporting institutional uses such as parks, open space, religious institutions, and schools. Major utilities require approval of a special use permit, while commercial, office, and industrial uses, as well as conservation subdivisions, are prohibited.

B. LOT PATTERNS**C. LOT CONFIGURATION**

Conservation subdivisions are prohibited in the SFI district.

D. TYPICAL BUILDING FORMS**E. BUILDING CONFIGURATION****F. DIMENSIONAL STANDARDS**

Max. Gross Density (du/ac)	N/A	Min. Major Arterial Street Setback (ft)	50
Max. Nonresidential FAR (%)	0.40	Min. Side Setback (ft)	15 (5)
Min. Lot Area (sf ft) [1]	130,000	Min. Rear Setback (ft)	25 (6)
Max. Lot Area (acres)	N/A	Min. Agricultural Setback (ft) [5]	50
Min. Lot Width, Interior Lot (ft)	125 [2] (1)	Min. Accessory Use Setback (ft)	10 (7)
Min. Lot Width, Corner Lot (ft)	135 (2)	Min. Driveway/Parking Setback (ft)	10 (8)
Max. Lot Depth (ft)	[3]	Min. Fill Setback from all Lot Lines (ft)	10 (9)
Max. Lot Coverage (%)	30	Min. Wetland/Riparian Buffer (ft) [5]	30 (10)
Min. Front Setback (ft) [4]	20 (3)	Max. Building Height (ft)	35 (11)
Min. Corner Side Setback (ft)	20 (4)	Min. Spacing Between Principal Buildings (ft)	10 (12)

[1] Lots platted prior to January 1, 2013 and minor subdivision lots shall be at least 40,000 square feet in area

[2] All lots shall maintain a minimum street frontage of 35 feet

[3] Lot depth shall not exceed four times the lot width

[4] Front setbacks shall be measured from ultimate ROW line

[5] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

3.4.6. Mixed Residential (MXR) District

MXR

MIXED RESIDENTIAL

A. DISTRICT PURPOSE

The Mixed Residential (MXR) district is established to accommodate a wide variety of residential use types at moderate densities as well as low intensity neighborhood-serving commercial, personal service, and institutional uses outside of community and village centers on the mainland and the outer banks. The district is intended to provide moderate-cost housing options for county residents within well-designed neighborhoods and developments that incorporate open space resources and may also include limited nonresidential uses proximate to housing. The district accommodates all forms of residential development, including detached dwellings, apartments, townhouses, manufactured homes on individual lots (only on the mainland), accessory dwelling units, and live/work developments. The district also accommodates offices, neighborhood-oriented personal service uses, and retail uses (subject to maximum tenant size limits). In addition, the district allows neighborhood-supporting institutional uses like parks, marinas, religious institutions, schools, recreational facilities, and utilities. Development in the MXR district is subject to various design standards, including community compatibility standards applied to multi-family and nonresidential uses proposed adjacent to existing single-family dwellings.

B. TYPICAL BUILDING FORMS**C. LOT PATTERNS**

D. DIMENSIONAL STANDARDS

CD=COTTAGE DEVELOPMENT

	Residential Single-Family Detached	Multi-Family CD	Other	Nonresidential	
Max. Gross Density, Full Service Area (du/ac)	2.0	3.0	3.0	2.0	
Max. Gross Density, Limited Service Area (du/ac)	1.0	1.5	1.5	1.0	
Max. FAR (%)	N/A	N/A	N/A	0.40 [7]	
Min. Lot Area/Dwelling Unit (sq ft) [1]	15,000	N/A	N/A	20,000	1
Min. Open Space Set-Aside (% of development size) [2]	30	40	30	10	2
Min. Lot Width (corner or interior lots) (ft)	100	100 [3]	100[3]	200 [3]	3
Max. Lot Coverage (%)	30	40 [3]	40 [3]	65 [3]	
Perimeter Building Wall Setbacks (from development boundaries)					
Front and Corner Side Setback (ft)	20	20	50	20	4
Major Arterial Street Setback (ft)	50	50	50	50	
Side Setback (ft) [5]	10	10 [3]	15	15	5
Rear Setback (ft)	25	30[3]	30[3]	30	6
Min. Agricultural Setback (ft) [4]	50	50	50	50	
Min. Accessory Use Setback (ft)	10	10[3]	10	10	7
Min. Driveway/Parking Setback (ft)	10	10 [3]	10 [3]	10 [3]	8
Min. Fill Setback from Perimeter Lot Line	10	10	10	10	
Min. Wetland/Riparian Buffer (ft) [4]	30	30	30	30	
Max. Building Height (ft)	35	35	35	35	
Min. Spacing Between Buildings (ft)[5] [6]	20	20	20	20	9
Max. Building Length (ft)	N/A	N/A	250	[7]	10

[1] Maximum lot depth shall not exceed four times the lot width

[2] Applied to subdivisions platted after UDO effective date

[3] Applied to entire development, not individual building lots

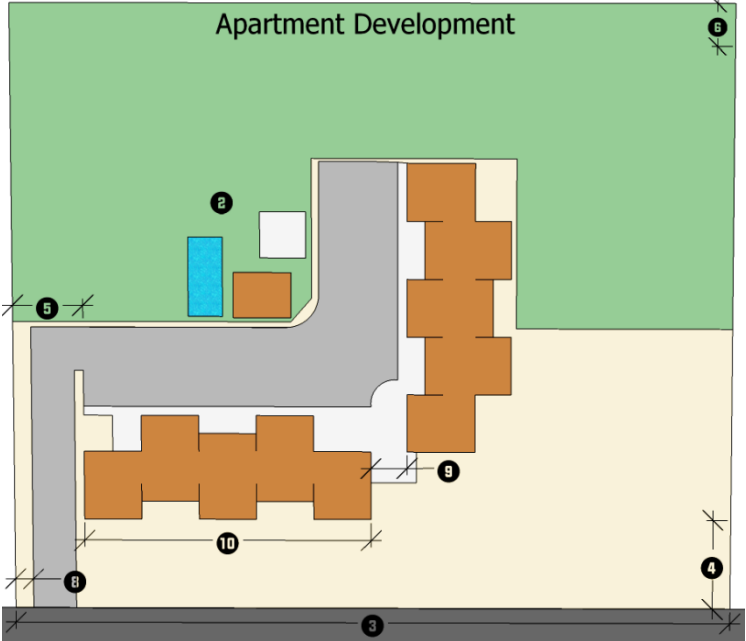
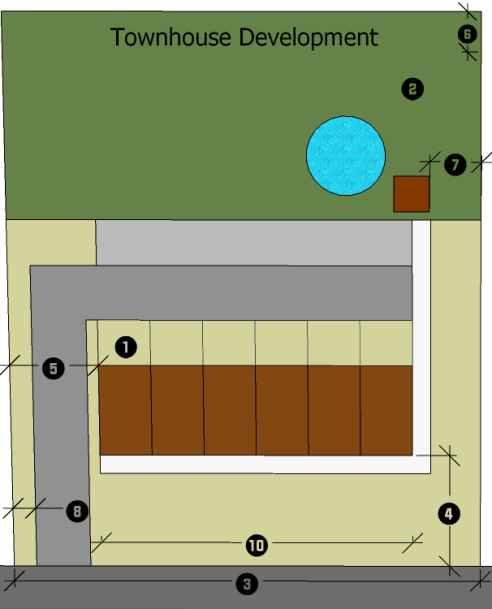
[4] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

[5] Setbacks are subject to needed fire flow based on the ISO method

[6] Not applied to individual units in a zero lot line development

[7] Commercial and personal service uses are limited to a maximum size of 2,500 square feet per building. Sites designated Full-Service, and fronting a major arterial are limited to a maximum building size of 10,000 square feet.

E. LOT CONFIGURATION



F. GENERAL DEVELOPMENT STANDARDS (APPLIED TO ALL COTTAGE HOME DEVELOPMENTS)

Cottage developments (CD) are a type of detached housing subject to the multi-family standards of this ordinance that provide a small community of cottage clusters oriented around a central open space.

The following general development standards are applied to all cottage developments (CD) within the MXR district in addition to the standards in Chapter 5: Development Standards, Chapter 6: Subdivision and Infrastructure Standards, and Chapter 7: Environmental Protection in this Ordinance. In the event of conflict, the standards in this district shall control.

1. Pedestrian Orientation	a. Each dwelling unit shall be oriented around a central open space that contains pedestrian-oriented features.
	b. Pedestrian circulation shall be provided through the central open space. Sidewalks or pedestrian pathways shall connect each cottage cluster.
	c. Each dwelling unit shall have an entry accessed from the central open space. A sidewalk shall connect each dwelling unit to the central open space pedestrian circulation system.
2. Site Configuration	a. Ten acre minimum development size.
	b. Each dwelling unit shall be oriented around a central open space that meets the open space set-aside standards. The central open space shall be a principal place that may be used by all occupants of the cottage cluster that is not divided by a road or parking area. No more than one central courtyard shall be provided for each cottage cluster.
	c. A cottage cluster shall consist of a minimum of four dwelling units and a maximum of ten dwelling units per cluster. Cottage home developments shall not exceed two cottage clusters (20 units).
3. Parking	a. Off-street parking shall be designed to minimize the visual and physical impacts of parking in the cottage development. Clustered vehicular use areas to the side or rear of a cottage project is desired. Parking areas are not encouraged between the cottage development and the primary street frontage.
4. Buildings	a. Each dwelling unit shall not exceed a maximum floor area of 1,300 square feet.
	b. Campers, travel trailer, recreational vehicles, manufactured homes shall not be permitted.
	c. Dwelling units shall not exceed two stories.
	d. Accessory dwelling units are prohibited.
	e. Buildings shall maintain consistency with local coastal architectural forms such as pitched roofs, dormers, tower features, cupolas, decks, porches, decorative exterior shutters, significant overhangs or eaves, wall shingles, clapboard siding, or other common features.
	f. No more than 10 percent of the dwelling unit floor area shall be used or intended for attached storage (i.e. garages). Private detached accessory structures (i.e. sheds, carports) are not permitted.
	g. Accessory structures shall maintain a similar level of architectural detail as the principle building they serve.

3.5. BUSINESS AND MIXED-USE BASE ZONING DISTRICTS

3.5.1. General Purposes

The business and mixed-use base zoning districts are established for the general purpose of ensuring there are lands in the county that provide a wide range of office, retail, service, industrial, and related uses to meet household and business needs, and more specifically to:

- A.** Provide appropriately located lands for the full range of business uses needed by the county's residents, businesses, and workers, consistent with the goals, objectives, and policies of the Land Use Plan and applicable small area plans;
- B.** Strengthen the county's economic base, and provide employment opportunities close to home for residents of the county and surrounding communities;
- C.** Create suitable environments for various types of business uses, and protect them from the adverse effects of incompatible uses;
- D.** Create suitable environments for various types of mixed-use development, where business, office, retail, and residential uses are designed and integrated in compatible ways;
- E.** Preserve the unique character and historic resources of the Caratoke Highway and Corolla Village areas; and
- F.** Minimize the impact of business development on residential districts and uses, and sensitive natural environments.

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3.5.2. General Business (GB) District

GB

GENERAL BUSINESS



A. DISTRICT PURPOSE

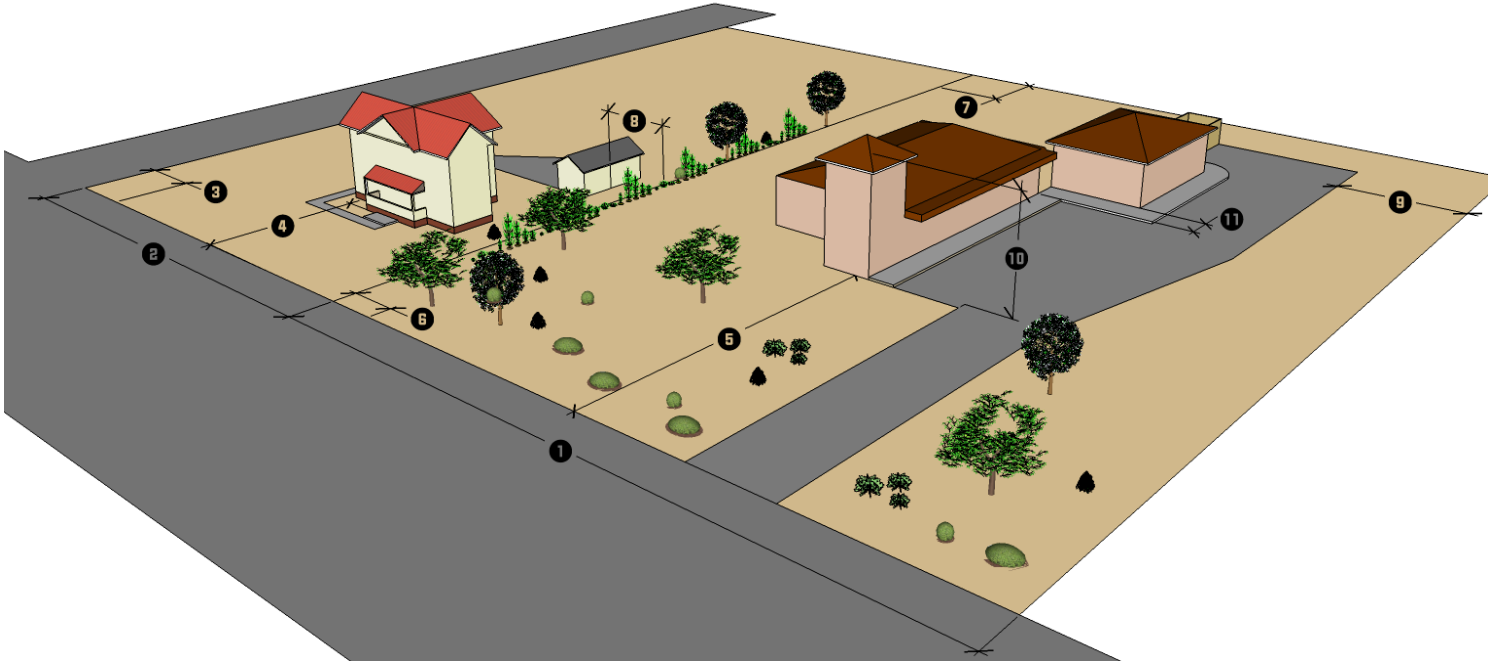
The General Business (GB) district is established to accommodate a wide variety of residential and nonresidential uses on lots bounding major roadways outside of community and village center areas. The district is intended to accommodate small to medium-sized commercial, office, personal service, and institutional uses that provide goods and services to county residents and visitors in ways that protect the county's scenic corridors as well as maintain the traffic carrying capacity of major roadways. The district also accommodates low density single-family detached dwellings, accessory dwelling units, and manufactured homes on individual lots (on the mainland). New commercial development is subject to commercial design standards to ensure development quality and consistency with surrounding development patterns. New commercial development of 5,000 square feet or more proposed on lots located outside of areas designated as Full Service areas in the Land Use Plan is required to obtain special use permit approval. New development on lots along major arterials (like Caratoke Highway) outside designated Full Service areas are subject to increased minimum front setbacks and increased landscaping requirements to help protect the scenic character of these areas. New industrial, multi-family, and institutional residential uses are prohibited in the GB district.

B. LOT PATTERNS



C. TYPICAL BUILDING FORMS



D. BUILDING CONFIGURATION**E. DIMENSIONAL STANDARDS**

Max. Gross Density (du/ac)	N/A	Min. Major Arterial Street Setback (ft) [3]	
Max. Nonresidential FAR (%) [2]	0.40	Within Full Service Areas (ft)	30 4
Min. Lot Area (sf ft)	40,000	Outside Full Service Areas (ft)	100 5
Max. Lot Area (acres)	N/A	Min. Side Setback (ft)	15 6
Min. Lot Width, Interior Lot (ft)	125 1	Min. Rear Setback (ft)	25 7
Min. Lot Width, Corner Lot (ft)	125 2	Min. Agricultural Setback (ft) [4]	50
Max. Lot Depth (ft)	[1]	Min. Accessory Use Setback (ft)	10 8
Max. Lot Coverage (%)	65	Min. Driveway/Parking Setback (ft)	10 9
Min. Front Setback (ft)	20	Min. Fill Setback from all Lot Lines (ft)	10
Min. Corner Side Setback (ft)	20 3	Min. Wetland/Riparian Buffer (ft) [4]	30
		Max. Building Height (ft)	35 10
		Min. Spacing Between Principal Buildings (ft)	10 11

[1] Lot depth shall not exceed four times the lot width

[2] Commercial structures exceeding 5,000 square feet must obtain special use permit approval if proposed outside a Full Service area

[3] Metal siding is prohibited on building facades facing or visible from major arterial streets

[4] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

3.5.3. Limited Business (LB) District

LB

LIMITED BUSINESS



A. DISTRICT PURPOSE

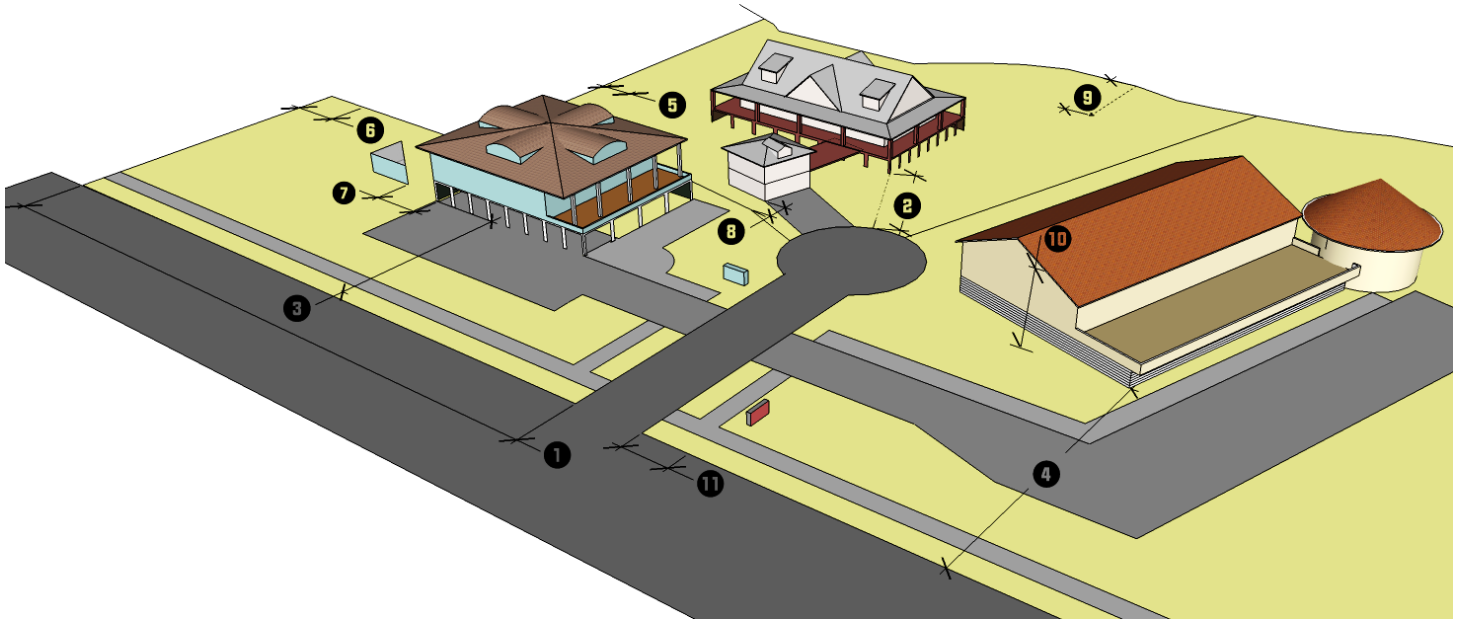
The Limited Business (LB) district is established to accommodate various residential and nonresidential uses on lots bounding major roadways outside of community and village center areas. The district is intended to accommodate low intensity commercial, office, personal service, and institutional uses that provide goods and services to county residents and visitors in ways that protect the county's scenic corridors as well as maintain the traffic carrying capacity of major roadways. The district also accommodates low density single-family detached dwellings, accessory dwelling units, and manufactured homes on individual lots (on the mainland only). New commercial development is subject to commercial design standards to ensure development quality and consistency with surrounding development patterns. New commercial development of 5,000 square feet or more proposed on lots located outside of areas designated as Full Service areas in the Land Use Plan is required to obtain special use permit approval. New development on lots along major arterials (like Highway 12) outside designated Full Service areas are subject to increased minimum front setbacks and increased landscaping requirements to help protect the scenic character of these areas. New industrial, multi-family, and institutional residential uses are prohibited in the LB district.

B. LOT PATTERNS



C. TYPICAL BUILDING FORMS



D. BUILDING CONFIGURATION**E. DIMENSIONAL STANDARDS**

Max. Gross Density (du/ac)	N/A	Min. Major Arterial Street Setback (ft) [3]	
Max. Nonresidential FAR (%) [2]	0.40	Within Full Service Areas (ft)	30 3
Min. Lot Area (sf ft)	40,000	Outside Full Service Areas (ft)	100 4
Max. Lot Area (acres)	N/A	Min. Side Setback (ft)	15 6
Min. Lot Width, Interior Lot (ft)	125	Min. Rear Setback (ft)	25 5
Min. Lot Width, Corner Lot (ft)	125 11	Min. Agricultural Setback (ft) [4]	50
Max. Lot Depth	[1]	Min. Accessory Use Setback (ft)	10
Max. Lot Coverage (%)	65	Min. Driveway/Parking Setback (ft)	10 8
Min. Front Setback (ft)	20 2	Min. Fill Setback from all Lot Lines	10
Min. Corner Side Setback (ft)	20 11	Min. Wetland/Riparian Buffer (ft) [4]	30 9
		Max. Building Height (ft)	35 10
		Min. Spacing Between Principal Buildings (ft)	10 7

[1] Lot depth shall not exceed four times the lot width

[2] Commercial structures exceeding 5,000 square feet must obtain special use permit approval if proposed outside a full service area

[3] Metal siding is prohibited on building facades facing or visible from major arterial streets

[4] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

3.5.4. Village Center (VC) District**A. DISTRICT PURPOSE**

The Village Center (VC) district framework is established to accommodate higher-density, mixed-use, compact, pedestrian-oriented development at key locations on the portion of the outer banks south of Currituck Milepost 13 in accordance with the policies and recommendations of area plans adopted by the Board of Commissioners. The district includes general development standards applied to all development within the VC district. In addition, each VC district shall include individual VC sub-districts with additional district-specific standards established in accordance with this section. The VC district encourages compact activity centers that include residential and nonresidential development in close proximity to one another as a means of limiting the creation of strip development and associated automobile traffic. The district also provides additional incentives for use of sustainable development practices.

B. ESTABLISHMENT

The Board of Commissioners shall establish individual Village Center districts (and associated sub-district designations) in accordance with this section and Section 2.4.3, Zoning Map Amendment, only after approving an area plan for the specific sub-district specifying the general location, attributes, and policy objectives for the sub-district. Each VC sub-district shall comply with the standards in Section 3.5.5.F General Development Standards. In establishing a new VC sub-district, the Board of Commissioners may also establish a unique set of development standards applicable to all development in the particular sub-district (see Section 3.5.7, VC Sub-District-Specific Development Standards).

C. LOCATIONAL CRITERIA

Allowable District Location	Designated Full Service areas only
Min. District Size (ac)	5
District must be subject to an area or functional plan adopted by the Board of Commissioners	

D. DIMENSIONAL STANDARDS

Min. Lot Area (sq ft)	5,000
Min. Lot Width (ft)	35
Max. Lot Depth	[4]
Max. Lot Coverage (%)	65
Min. Front Setback (ft)	None
Max. Front Setback (ft)	20
Min. Major Arterial Street Setback (ft)	30
Min. Corner Side Setback (ft)	None
Min. Side Setback (ft)	3 [5]
Min. Rear Setback (ft)	10 [5]
Min. Wetland/Riparian Buffer (ft) [6]	30
Min. Agricultural Setback (ft) [6]	50
Min. Accessory Use Setback (ft)	3

E. USE CHARACTERISTICS

Min. Land Area Devoted to Residential Use Types (% of sub-district area)	25
Min. Land Area Devoted to Commercial Use Types (% of sub-district area)	10
Max. Land Area Occupied by Commercial Use Types (% of sub-district area)	50
Max. Density (du/ac)	3 [1]
Max. Nonresidential FAR (%)	0.50 [2]
Max. Structure Size (sq ft)	None
Min. Spacing Between Buildings (ft)	10
Max. Building Height (ft)	35 [3]

F. GENERAL DEVELOPMENT STANDARDS (APPLIED TO ALL VC DISTRICTS)

The following general development standards are applied to all development within the VC district in addition to the standards in Chapter 5: Development Standards, Chapter 6: Subdivision and Infrastructure Standards, and Chapter 7: Environmental Protection in this Ordinance. In the event of conflict, the standards in this district shall control.

1. Parking and Loading	a. As a means of promoting pedestrian-scale development and walkability, the minimum parking standards in Table 5.2.3.B, Minimum Off-Street Parking Standards, are reduced by 10 percent.
	b. Applicable maximum parking standards in Section 5.2.3.F are reduced to 125 percent of the minimum in Table 5.2.3.B, Minimum Off-Street Parking Standards, except that off-street parking spaces located beneath habitable structures shall not be subject to maximum parking standards.
2. Landscaping	Only native vegetation shall be credited towards the landscaping requirements in this Ordinance.
3. Tree Protection	Maritime forest shall be left undisturbed, or an equivalent area of maritime forest plant species shall be re-established and maintained contiguous to existing maritime forest elsewhere in the district.
4. Pedestrian Orientation	a. All development shall provide at least one improved sidewalk, trail, or multi-use path to the larger pedestrian circulation system serving other lots in the district, if applicable.
	b. Commercial development shall provide pedestrian shading features (awnings, canopies, trellis, arcades, umbrellas, etc.) to create shaded walking or seating areas. Shaded areas shall be provided at a rate of one square foot of shaded area for every three square feet of total indoor and outdoor customer use area. Shading features may be centralized, but credit towards these requirements may not be shared among different establishments.
5. Site Configuration	a. No new overhead utilities shall be permitted.
	b. All on-site stormwater treatment facilities shall be underground or designed as site amenities instead of as utilitarian features.
6. Building Design	a. Primary exterior materials on principal structures shall be of natural origins (e.g., wood, stone, masonry, hardiplank, etc.) and shall not be synthetic (e.g., EIFS, extruded foam, vinyl, etc.). Composite materials and metal trim and roofing are permitted.
	b. Buildings shall maintain consistency with local coastal architectural forms such as pitched roofs, dormers, tower features, cupolas, decks, porches, decorative exterior shutters, significant overhangs or eaves, wall shingles, clapboard siding, or other common features.
	c. Accessory structures shall maintain a similar level of architectural detail as the principal building they serve.

G. NOTES

- [1] Maximum densities may be increased to four dwelling units an acre through the inclusion of sustainable building features in accordance with Section 5.13, Incentives for Sustainable Development Practices
- [2] Maximum FAR may be increased to 0.6 through the inclusion of sustainable building features in accordance with Section 5.13, Incentives for Sustainable Development Practices
- [3] Maximum building height may be increased to 40 feet above base flood elevation (or finished grade if above base flood elevation) for buildings that include upper-story residential uses above nonresidential uses
- [4] Maximum lot depth shall not exceed four times the lot width
- [5] Setbacks are doubled along lot lines corresponding with VC district boundaries
- [6] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater.

3.5.5. VC Sub-District-Specific Development Standards

[Placeholder]

3.5.6. Light Industrial (LI) District

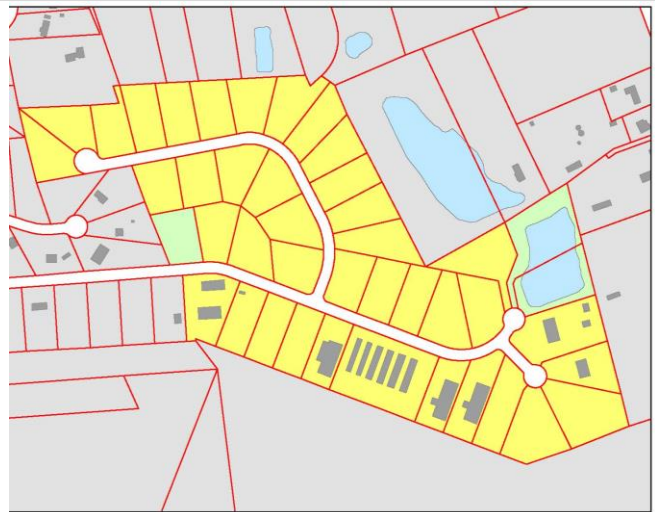
LI LIGHT INDUSTRIAL



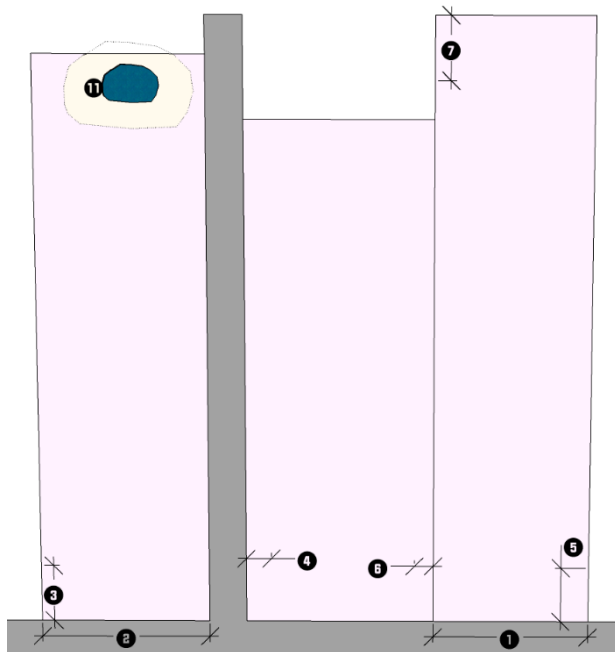
A. DISTRICT PURPOSE

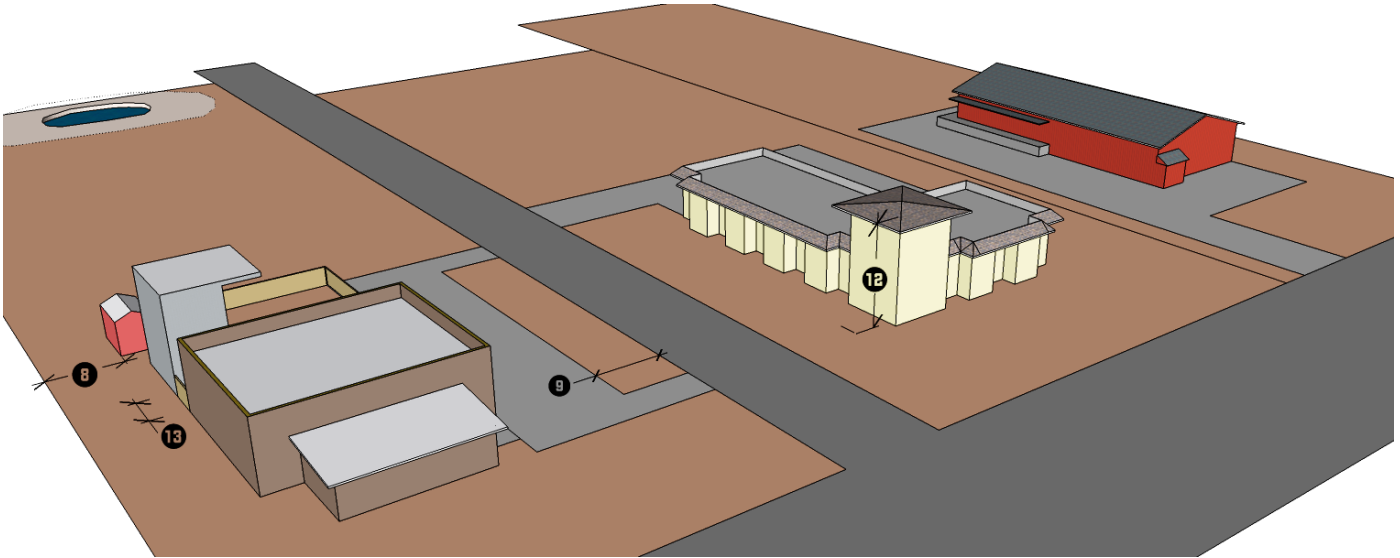
The Light Industrial (LI) district is established to accommodate low intensity light manufacturing and industrial uses engaged in assembly, fabrication, processing, distribution, storage, and research and development activities within portions of the county removed from residential and environmentally sensitive areas. The district is intended for small-scale development that has a minimum of exterior vehicular movements, limited outdoor storage of raw materials, minimal visual impacts on adjacent residential lands, and avoidance of excessive noise, odor, glare, dust, or vibration impacts on off-site areas. In addition to light industrial uses, the district allows supporting office, commercial, and warehousing functions. Residential uses are not permitted in the district, but some institutional and commercial uses are permitted, provided they will not negatively impact the range of allowed uses in the district. Development in the district is subject to development standards that seek to minimize nuisances and address the visual quality of development, as seen from adjacent residential development and public streets.

B. LOT PATTERNS



C. LOT CONFIGURATION



D. TYPICAL BUILDING FORMS**E. BUILDING CONFIGURATION****F. DIMENSIONAL STANDARDS**

Max. Gross Density (du/ac)	N/A	Min. Major Arterial Street Setback (ft) [4]	50	5
Max. FAR (%)	0.40	Min. Side Setback (ft)	15	6
Min. Lot Area (sf ft)	60,000	Min. Rear Setback (ft)	25	7
Max. Lot Area (acres)	N/A	Min. Agricultural Setback (ft) [5]	50	
Min. Lot Width, Interior Lot (ft)	125 [1]	Min. Accessory Use Setback (ft)	20	8
Min. Lot Width, Corner Lot (ft)	135	Min. Driveway/Parking Setback (ft)	10	9
Max. Lot Depth (ft)	[2]	Min. Fill Setback from all Lot Lines (ft)	10	
Max. Lot Coverage (%)	65	Min. Wetland/Riparian Buffer (ft) [5]	30	11
Min. Front Setback (ft)	20	Max. Building Height (ft) [6]	35	12
Min. Corner Side Setback (ft) [3]	20	Min. Spacing Between Principal Buildings (ft)	10	13

[1] All lots shall maintain a minimum street frontage of 35 feet

[2] Lot depth shall not exceed four times the lot width

[3] Driveways shall provide access from street with less traffic

[4] Metal siding is prohibited on building facades facing major arterial streets

[5] Applied to major subdivisions platted after January 1, 2013 and site plans on lots 10 acres in area and greater

[6] Some site features are exempted from height limits

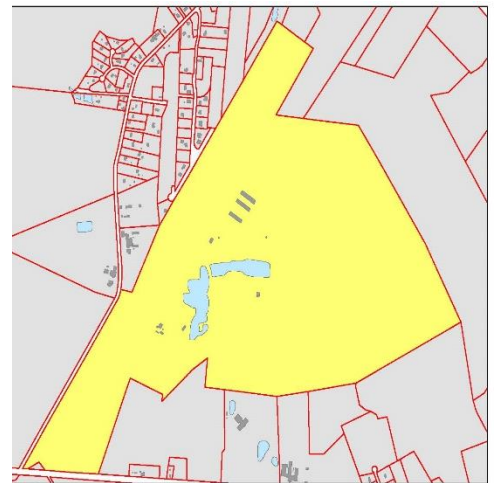
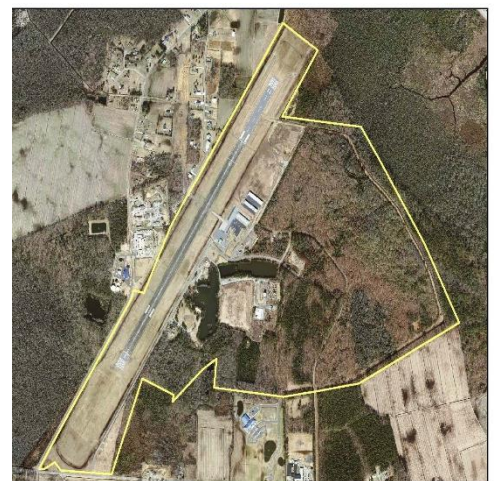
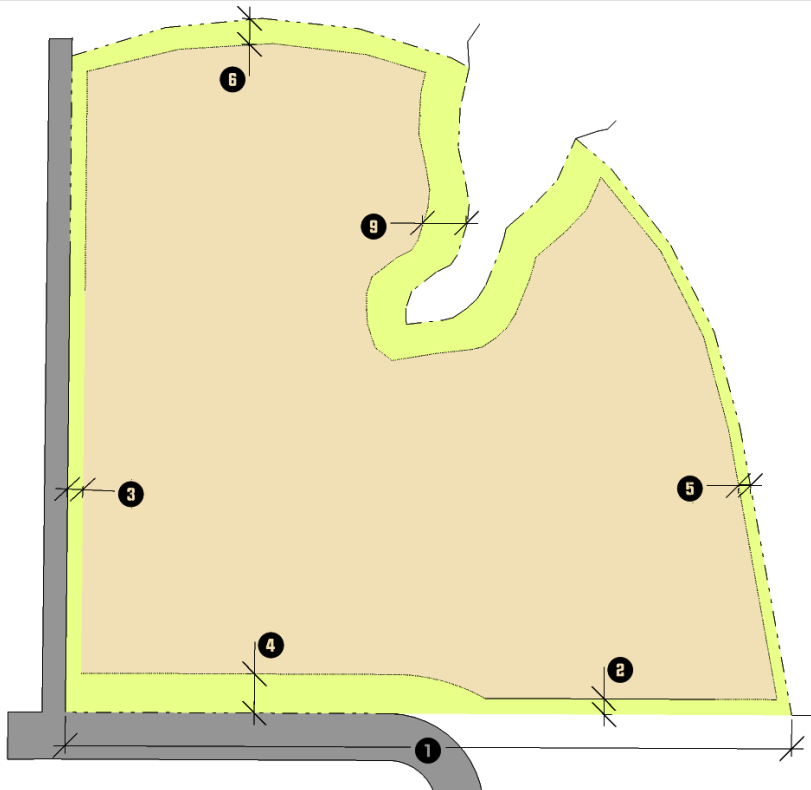
3.5.7. Heavy Industrial (HI) District

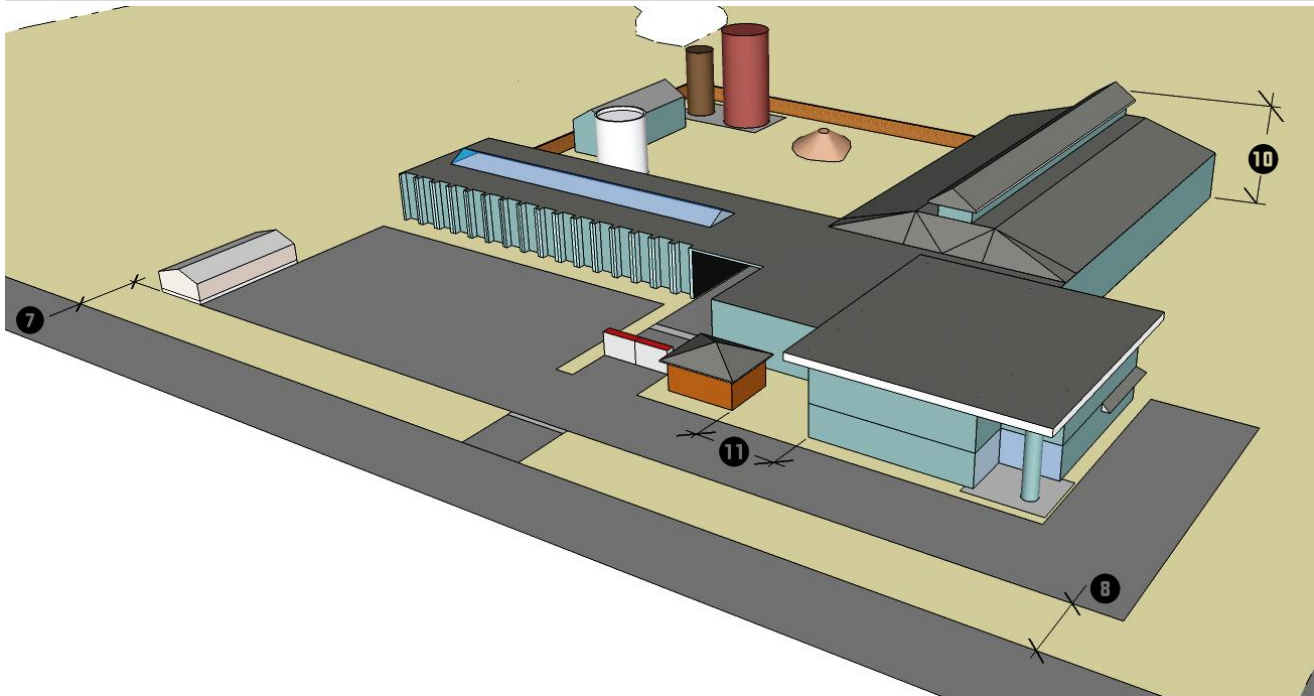
HI

HEAVY INDUSTRIAL

**A. DISTRICT PURPOSE**

The Heavy Industrial (HI) district is established to accommodate intense or heavy manufacturing and industrial uses engaged in assembly, fabrication, processing, distribution, storage, and research and development activities within portions of the county removed from residential and environmentally sensitive areas. The district is intended for large-scale development that includes extensive exterior vehicular movements, outdoor storage of raw materials and finished products, stockpiling of wastes, and the potential for noise, odor, glare, dust, vibration, or negative visual impacts on adjacent uses. In addition to industrial uses, the district allows supporting office and warehousing functions. Residential uses are not permitted in the district, but some institutional, commercial, and office uses are permitted, provided they will not negatively impact the range of allowed uses in the district. Development in the district is subject to development standards that seek to minimize nuisances and address the visual quality of development, as seen from adjacent residential development and public streets.

B. LOT PATTERNS**C. LOT CONFIGURATION**

D. TYPICAL BUILDING FORMS**E. BUILDING CONFIGURATION****F. DIMENSIONAL STANDARDS**

Max Gross Density (du/ac)	N/A	Min. Major Arterial Street Setback (ft) [4][7]	50	4
Max. FAR (%)	0.40	Min. Side Setback (ft) [7]	15	5
Min. Lot Area (sf ft)	80,000	Min. Rear Setback (ft) [7]	25	6
Max. Lot Area (acres)	N/A	Min. Agricultural Setback (ft) [5]	50	
Min. Lot Width, Interior Lot (ft)	125 [1]	Min. Accessory Use Setback (ft)	20	7
Min. Lot Width, Corner Lot (ft)	135 1	Min. Driveway/Parking Setback (ft)	10	8
Max. Lot Depth (ft)	[2]	Min Fill Setback from all Lot Lines (ft)	10	
Max. Lot Coverage (%)	65	Min. Wetland/Riparian Buffer (ft) [5]	30	9
Min. Front Setback (ft) [7]	20 2	Max. Building Height (ft) [6]	65	10
Min. Corner Side Setback (ft) [3][7]	20 3	Min. Spacing Between Buildings (ft)	10	11

[1] All lots shall maintain a minimum street frontage of 35 feet

[2] Lot depth shall not exceed four times the lot width

[3] Driveways shall provide access from street with less traffic

[4] Metal siding is prohibited on building facades facing major arterial streets

[5] Applied to major subdivisions plated after January 1, 2013 and site plans on lots 10 acres in area and greater

[6] Some site features are exempted from height limits

[7] Additional 1 foot setback for every 1 foot the structure exceeds 35 feet. (Example: A 50 foot structure shall be a minimum of 35 feet from the front property line or 65 feet if located on a major arterial, 30 feet from the side property line, and 40 feet from the rear property line).

3.6. CONDITIONAL BASE ZONING DISTRICTS

3.6.1. Establishment of Conditional Zoning Districts

Table 3.6.1, Conditional Zoning Districts Established, sets out the conditional zoning districts established by this Ordinance. There is a conditional zoning district paralleling each base zoning district set forth in Table 3.6.1, Base Zoning Districts Established.

TABLE 3.6.1: CONDITIONAL ZONING DISTRICTS ESTABLISHED	
DISTRICT NAME	ABBREVIATION
RESIDENTIAL DISTRICTS	
Conditional Single-Family Residential – Mainland	C-SFM
Conditional Single-Family Residential – Outer Banks	C-SFO
Conditional Single-Family Residential – Outer Banks, Remote	C-SFR
Conditional Single-Family Residential – Isolated	C-SFI
Conditional Mixed Residential	C-MXR
BUSINESS AND MIXED-USE DISTRICTS	
Conditional General Business	C-GB
Conditional Limited Business	C-LB
Conditional Village Center	C-VC
Conditional Light Industrial	C-LI
Conditional Heavy Industrial	C-HI

3.6.2. General Purposes

The rezoning of land to a conditional zoning district is intended to provide a landowner and the county an alternative to rezoning the land to a standard base zoning district, where the base zoning district allows certain uses and development that may be appropriate but also allows uses and development that may not conform to county plans or would have adverse impacts on public facilities or surrounding lands. Reclassification of land to a conditional zoning district allows a landowner to propose, and the Board of Commissioners to consider, additional conditions or restrictions on the range of allowable uses, use standards, development intensities, development standards, and other regulations applicable in the parallel base zoning district. This enables the county to tailor a zoning classification to accommodate desirable development while avoiding or addressing anticipated problems that may arise from development otherwise allowed by the base zoning district.

3.6.3. Classification of Conditional Zoning Districts

Land shall be classified into a conditional zoning district only in accordance with the procedures and requirements set forth in Section 2.4.4, Conditional Rezoning.

3.6.4. Applicable Regulations

Development in a conditional zoning district shall be subject to all the use and development standards and requirements that apply to development in the parallel base zoning district, plus the conceptual development plan and any conditions imposed as part of the conditional rezoning approval, which may not be less restrictive than the regulations for the parallel base zoning district.

3.6.5. Conceptual Development Plan

Applications for establishment of a conditional zoning district shall be accompanied by a conceptual development plan depicting the proposed development configuration in accordance with Section 2.4.4, Conditional Rezoning. The conceptual development plan shall include, at a minimum, the following information:

- A.** A written description of the proposed use, types of improvements, buildings, activities, and hours of operation;
- B.** A list of the proposed conditions requested by the applicant;
- C.** A scaled drawing showing boundaries of the lot, adjacent use types, location of streets, rights-of-way, easements, and reservations;
- D.** Shorelines, bodies of water, the general location of stands of existing trees, and existing uses of land on the lot(s);
- E.** Proposed building footprints, and the general location of parking, loading, and service areas;
- F.** General locations of new streets, driveways, and vehicular and pedestrian circulation features;
- G.** Proposed common areas, open space set-asides, anticipated landscape buffering, and fences or walls (if proposed); and
- H.** Elevations of the proposed building(s) as seen from public streets, public parks, or adjacent lands containing single-family detached development.

3.6.6. Relationship to Overlay Zoning Districts

Regulations governing development in an overlay zoning district shall apply in addition to the regulations governing development in the underlying conditional zoning district. If the standards governing a conditional zoning district expressly conflict with those governing an overlay zoning district, more restrictive standards shall control.

3.6.7. Applied to Entire Lot

No application for conditional rezoning (see Section 2.4.4) may split an existing site or lot of record into a conditional zoning district and a base zoning district. Nothing in this subsection shall limit a conditional rezoning that splits a lot or site into two or more different conditional zoning district designations.

3.7. PLANNED DEVELOPMENT BASE ZONING DISTRICTS

3.7.1. General

A. General Planned Development District Purposes

The purpose of Planned Development (PD) districts is to encourage innovative and efficient land planning and site design concepts that support a higher quality of life and achieve a higher quality of development, environmental sensitivity, energy efficiency, and other county goals and objectives by:

- (1) Reducing or diminishing the inflexibility or uniform design that sometimes results from strict application of zoning and development standards designed primarily for individual lots;
- (2) Allowing freedom in selecting the form and design of development by ways pedestrians and traffic circulate, location and integration of open space and civic space into the development, and design amenities;
- (3) Encouraging a well-integrated mix of residential and nonresidential land uses in the same development, including a mix of housing types, lot sizes, and densities;
- (4) Providing for efficient use of land resulting in smaller networks of utilities and streets; and
- (5) Promoting quality design and environmentally sensitive development that respects surrounding established land use character and respects and takes advantage of a site's natural and man-made features, such as trees, estuaries, shorelines, dunes, maritime forest, special flood hazard area, and historic features.
- (6) In return for flexibility, planned developments are expected to deliver communities of exceptional design, character, and quality that preserve critical environmental resources and provide superior open space amenities. Such communities incorporate creative design in the layout of buildings, open space, and circulation; assure compatibility with surrounding land uses and neighborhood character; and provide greater efficiency in the layout and provision of roads, utilities or other infrastructure.

B. Intent

The PD district is intended to be used sparingly under this Ordinance, and only where the development demonstrates innovated design, character, and higher quality development.

C. Classification of Planned Development Zoning Districts

Land shall be classified into a planned development zoning district only in accordance with the procedures and requirements set forth in Section 2.4.5, Planned Development, and this section.

D. Relationship to PUD or RET Overlay Districts

Lands designated as Planned Unit Development (PUD) Overlay or Planned Adult Retirement (RET) Overlay on January 1, 2013 are subject to the standards and conditions included within the previously-adopted sketch plans and other requirements related to their approval. These developments may proceed subject to their original

SECTION 3.7: PLANNED DEVELOPMENT BASE ZONING DISTRICTS**Subsection 3.7.2: General Standards for All Planned Development Districts**

approvals in accordance with Section 1.8, Transitional Provisions. In the event the approval associated with a PUD or RET expires, or a modification is proposed, an applicant may seek to establish a PD district in accordance with this section and Section 2.4.5, Planned Development.

E. Organization of Planned Development Zoning District Regulations

Section 3.7.2, General Standards for All Planned Development Districts, sets out general standards applicable to all types of Planned Development districts. Sections 3.7.3 to 3.7.5 set out the purpose statements and standards for the specific types of Planned Development (PD) districts. These subsections have a common structure consisting of a purpose statement and applicable development standards. Some PD districts also include additional district and sub-district specific standards. Chapter 4: Use Standards, includes a summary use table specifying the allowable uses for each of the PD districts (see Table 4.1.1.A, Summary Use Table) subject to an approved master plan. Uses that do not include an “MP” or “U” under a particular PD district column in Table 4.1.1.A. are prohibited within that PD district.

3.7.2. General Standards for All Planned Development Districts

Before approving a PD zoning district classification, the Board of Commissioners shall find that the application for the PD zoning district classification, as well as the PD master plan and the PD terms and conditions document included as part of the application, comply with the following standards:

A. Planned Development Master Plan

The PD master plan shall:

- (1)** Establish a statement of planning objectives and development goals for the district that is consistent with the intent and purposes of the particular PD district, the 2006 Land Use Plan, and other officially adopted plans;
- (2)** Demonstrate the innovative site planning techniques that improve upon the standards in other allowable zoning districts with the purpose of enhancing the county’s health, safety, and welfare;
- (3)** Depict the general configuration and relationship of the principal elements of the proposed development, including general building types;
- (4)** Establish the development area in the PD district, and identify each individual development area acreage, types and mix of land uses, number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity;
- (5)** Identify how the proposed land uses, residential densities, nonresidential intensity, traffic circulation and design are compatible with adjacent land uses, environmental features, and character of the surrounding area;
- (6)** Identify the general location, amount, and type (whether designated for active or passive recreation) of open space consistent with the purposes of the individual PD district and the requirements of this ordinance;
- (7)** Identify the location of environmentally sensitive lands, wildlife habitat, and resource protection lands, waterway corridors and ensure protection of these lands consistent with the purposes of the individual PD district and the requirements of this ordinance;

SECTION 3.7: PLANNED DEVELOPMENT BASE ZONING DISTRICTS

Subsection 3.7.2: General Standards for All Planned Development Districts

- (8)** Identify the on-site pedestrian circulation system, and how it will connect to off-site pedestrian systems that are consistent with the purposes of the individual PD district, and the requirements of this ordinance;
- (9)** Identify the on-site transportation circulation system, including the general location of all public and private streets with street types, existing or projected transit corridors, pedestrian, bicycle, and vehicular circulation features, and how they will connect to existing and planned county systems;
- (10)** Identify the general location of existing and proposed utilities including on-site potable water and wastewater facilities, and how they will serve the proposed development and connect to county systems;
- (11)** Identify the general location of on-site stormwater management facilities, and how they will connect to existing and planned systems; and
- (12)** Identify the general location of all other on-site public facilities serving the development, including but not limited to parks, schools, and facilities for fire protection, police protection, EMS, and solid waste management.

B. Densities/Intensities

- (1)** The densities for residential development and the intensities for nonresidential development applicable in each development area of a PD district shall be as established in the master plan, and shall be consistent with the intent, purposes, and standards of the individual PD district, the 2006 Land Use Plan, other officially adopted plans, and the requirements of this ordinance.
- (2)** Dwelling units within a PD district may be concentrated or evenly distributed throughout the development, provided the maximum allowable density for the development as a whole is not exceeded.

C. Dimensional Standards

The dimensional standards applicable in each development area of a PD district shall be as established in the master plan, and shall be consistent with the purpose of the individual PD district. The master plan shall include at least the following types of dimensional standards:

- (1)** Minimum lot area;
- (2)** Minimum lot width;
- (3)** Minimum and maximum setbacks;
- (4)** Maximum lot coverage;
- (5)** Maximum building height;
- (6)** Maximum individual building size;
- (7)** Floor area ratio; and
- (8)** Minimum setbacks from adjoining residential development or residential zoning districts.

D. Development Standards

All development in a PD district shall comply with the development standards of Chapter 5: Development Standards, the subdivision and infrastructure design standards of

SECTION 3.7: PLANNED DEVELOPMENT BASE ZONING DISTRICTS

Subsection 3.7.2: General Standards for All Planned Development Districts

Chapter 6: Subdivision and Infrastructure Standards, and the environmental protection standards in Chapter 7: Environmental Protection, unless modified in accordance with this section.

E. Consistency with County Plans

The PD zoning district designation, the master plan, and the terms and conditions document shall be consistent with the 2006 Land Use Plan, and any applicable functional plans and small area plans adopted by the county.

F. Compatibility with Surrounding Areas

Development along the perimeter of a PD district shall be compatible with adjacent existing or proposed development. Where there are issues of compatibility, the master plan shall identify transition areas at the edges of the PD district that provide for appropriate buffering and/or ensure a complementary character of uses. Determination of complementary character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, hours of operation, exterior lighting, siting of service areas, traffic circulation, environmental features, or other aspects identified by the Board of Commissioners.

G. Development Phasing Plan

If development in the PD district is proposed to be phased, the master plan shall include a development phasing plan that identifies the sequence or phases in which the district is proposed to be developed, including how residential and nonresidential development will be timed, how infrastructure (public and private) and open space will be provided and timed, and how development will be coordinated with the county's capital improvements program.

H. Conversion Schedule

The PD master plan may include a conversion schedule that identifies the extent to which one type of residential use may be converted to another type of residential use or one type of nonresidential use may be converted to another type of nonresidential use (i.e., residential to residential, or nonresidential to nonresidential). These conversions may occur within development areas and between development areas, as long as they occur within the same development phase, as identified by the approved development phasing plan, and are consistent with established extents of conversion set down in the conversion schedule.

I. On-Site Public Facilities

(1) Design and Construction

The PD master plan shall establish the responsibility of the developer/landowner to design and construct or install required and proposed on-site public facilities in compliance with applicable county, State, and Federal regulations.

(2) Dedication

The PD master plan shall establish the responsibility of the developer/landowner to dedicate to the public the right-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable county, State, and Federal regulations.

(3) Modifications to Street Standards

SECTION 3.7: PLANNED DEVELOPMENT BASE ZONING DISTRICTS

Subsection 3.7.2: General Standards for All Planned Development Districts

In approving a master plan, the Board of Commissioners may approve modifications or reductions of street design standards—including those for right-of-way widths, pavement widths, required materials, and turning radii, with NCDOT approval, on finding that:

- (a) The master plan provides for adequate separation/integration of vehicular, pedestrian, and bicycle traffic;
- (b) Access for emergency service vehicles is not substantially impaired;
- (c) Adequate parking is provided for the uses proposed; and
- (d) Adequate space for public utilities is provided within the street right-of-way.

J. Planned Development Terms and Conditions

The terms and conditions document is a required component in the establishment of a PD zoning district and shall incorporate by reference or include, but not be limited to:

- (1) Conditions related to approval of the application for the PD zoning district classification;
- (2) The master plan, including any density/intensity standards, dimensional standards, and development standards established in the master plan;
- (3) Conditions related to the approval of the master plan, including any conditions related to the form and design of development shown in the master plan;
- (4) The development pattern that addresses the district and sub-district character, development matrix, street types and patterns, block patterns, building form and types, architectural patterns, pedestrian configuration, signage patterns, landscaping, site amenities and open space patterns;
- (5) Provisions addressing how transportation, potable water, wastewater, stormwater management, and other infrastructure will be provided and maintained to accommodate the proposed development;
- (6) Provisions related to environmental protection and monitoring; and
- (7) Any other provisions the Board of Commissioners determines are relevant and necessary to the development of the PD in accordance with applicable standards and regulations.

K. Uses

The uses allowed in a PD district are identified in Table 4.1.1.A, Summary Use Table, as allowed subject to a planned development master plan. Allowed uses shall be established in the master plan and are subject to any use regulations applicable to the PD district. Allowed uses shall be consistent with county plans, the purpose of the individual PD district, and subject to any additional limitations or requirements set forth in Sections 3.7.3 – 3.7.5 for the individual PD district.

L. Amendments to Approved Master Plan

Amendments or modifications to a master plan shall be considered in accordance with the standards in Section 2.4.5.I, Amendments.

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3.7.3. Planned Development – Residential (PD-R) Legacy District

PD-R

PLANNED DEVELOPMENT – RESIDENTIAL LEGACY

A. DISTRICT PURPOSE

The Planned Development – Residential (PD-R) District is a Legacy District previously established and intended to encourage the use of innovative and creative design to provide a mix of different residential uses in close proximity to one another on mainland Currituck County, while at the same time providing an efficient use of open space. Limited, small-scale commercial uses may be allowed in the PD-R district, primarily to serve the needs of residents in the development.

No new lands in the County shall be zoned Planned Development-Residential (PD-R) nor shall any boundary of an existing PD-R be modified.

The standards in this section apply to individually-designated PD-R districts established prior to July 1, 2020. Modifications to existing PD-R Districts shall be subject to the review procedures of Section 2.4.5 and the standards of Section 3.7.

B. DIMENSIONAL STANDARDS

District area, minimum (acres)	50
Gross residential density, maximum (dwelling units/acre)	3-Full Service Areas
Lot area, minimum (sq ft)	To be established in the master plan
Lot width, minimum (ft)	
Nonresidential land area, maximum (% of district total)	40
Single housing type, maximum (% of units)	85
Lot coverage, maximum (% of lot area)	To be established in the master plan
Nonresidential FAR, maximum (%)	
Individual building size, maximum (sq ft)	
Building height, maximum (ft)	
Setbacks, minimum or maximum (ft)	
Setback from abutting residential zoning district or existing residential use (ft)	
Setback from agriculture (ft)	
Setback from major arterial streets (ft)	
Min. Wetland/Riparian Buffer (ft)	30

C. DEVELOPMENT STANDARDS

The standards in Chapter 5: Development Standards, shall apply to all development in PD-R districts, but some of those standards may be modified as part of the master plan if consistent with the general purposes of the PD-R district and the procedures noted below.

Development Standard	Means of Modifying
Off-street parking & loading	Specify in Alternative Parking Plan (see Section 5.1.6)
Landscaping [1]	Specify in Alternative Landscaping Plan (see Section 5.2.9)
Tree protection	
Open space set-aside [2]	30%
Fences and walls	Specify in Security Plan (see Sections 5.3.5. and 5.4.4)
Exterior lighting	
Community form	Specify in master plan
Nonresidential design	
Multi-family design	
Community compatibility [3]	Modifications prohibited
Signage	Modifications prohibited
Adequate public school facilities	Modifications prohibited

NOTES:

[1] Uses internal to the development shall not be required to provide perimeter buffers

[2] The required percentage of open space set-aside shall be calculated based on the total district

D. ENVIRONMENTAL PROTECTION STANDARDS

The environmental protection standards in Chapter 7 of the UDO may not be modified by a planned development

[3] Community compatibility standards shall not apply to uses internal to the development

3.7.4. Planned Development – Mixed (PD-M) District

PD-M PLANNED DEVELOPMENT - MIXED		A. DISTRICT PURPOSE	
		<p>The Planned Development – Mixed (PD-M) District is established and intended to encourage the development of a mix of employment generating uses (office, research, light industrial, and limited commercial), and may allow low-to-medium density residential uses at appropriate locations on the Currituck County mainland in a planned and aesthetically pleasing way. This is done by allowing design flexibility as well as a mix of uses.</p>	
B. DIMENSIONAL STANDARDS		C. DEVELOPMENT STANDARDS	
District area, minimum (acres)	50	<p>The standards in Chapter 5: Development Standards, shall apply to all development in PD-M districts, but some of those standards may be modified as part of the master plan if consistent with the general purposes of the PD-M district and the procedures noted below.</p>	
Gross residential density, maximum (dwelling units/acre)	3-Full Service Areas		
Lot area, minimum (sq ft)	To be established in the master plan	Development Standard	Means of Modifying
Lot width, minimum (ft)		Off-street parking & loading	Specify in Alternative Parking Plan (see Section 5.1.6)
Residential land area, maximum (% of district total)	35	Landscaping [1]	Specify in Alternative Landscaping Plan (see Section 5.2.9)
		Tree protection	
Lot coverage, maximum (% of lot area)	To be established in the master plan	Open space set-aside [2]	20%
Nonresidential FAR, maximum (%)		Fences and walls	Specify in Security Plan (see Sections 5.3.5 and 5.4.9 and)
Individual building size, maximum (sq ft)		Exterior lighting	
Building height, maximum (ft)		Community form	Specify in master plan
Setbacks, minimum or maximum (ft)		Nonresidential design	
Setback from abutting residential zoning district or existing residential use (ft)		Multi-family design Shopping center design	
Setback from agriculture (ft)		Community compatibility [3]	Modifications prohibited
Setback from major arterial streets (ft)		Signage	Modifications prohibited
Min. Wetland/Riparian Buffer (ft)	30	Adequate public school facilities	Modifications prohibited
NOTES: [1] Uses internal to the development shall not be required to provide perimeter buffers [2] The required percentage of open space set-aside shall be calculated based on the total district area		D. ENVIRONMENTAL PROTECTION STANDARDS	
		<p>The environmental protection standards in Chapter 7 of the UDO may not be modified by a planned development</p>	
		<p>[3] Neighborhood compatibility standards shall not apply to uses internal to the development</p>	

3.7.5. Planned Development – Outer Banks (PD-O) District

<div>PD-O</div> <div>PLANNED DEVELOPMENT – OUTER BANKS</div>		<div>A. DISTRICT PURPOSE</div> <p>The Planned Development – Outer Banks (PD-O) District is established and intended to provide landowner/developers with a flexible framework within which to develop a compact, mixed-use, pedestrian-oriented neighborhood development as an alternative to conventional residential development served primarily by vehicles. The PD-O district option is available for use within the portion of the outer banks served by a state-maintained highway. The district is intended to promote and maintain a beach village atmosphere that is primarily residential in character but that contains centralized nonresidential development that allows residents to meet some of their employment, shopping, and recreation needs without use of an automobile. New development shall maintain a small-scale, low-rise character with diverse housing types organized around common open space, natural resources, and facilities providing for alternative forms of transportation.</p>	
		<div>B. DIMENSIONAL STANDARDS</div>	
District area, minimum (acres)	25	<div>C. DISTRICT-SPECIFIC STANDARDS</div> <p>The standards in Section 3.7.5.A, Additional District-Specific Standards for the PD-O District, shall apply to all development within the PD-O District.</p>	
Gross residential density, maximum (dwelling units/acre)	3- Full Service Areas	<div>D. DEVELOPMENT STANDARDS</div> <p>The standards in Chapter 5: Development Standards, shall apply to all development in PD-O districts, but some of those standards may be modified as part of the master plan if consistent with the general purposes the district and the procedures noted below.</p>	
Lot area, minimum (sq ft)	To be established in the master plan	Development Standard	Means of Modifying
Lot width, minimum (sq ft)		Off-street parking & loading	Specify in Alternative Parking Plan (see Section 5.1.6)
Nonresidential land area, maximum (% of district total)	10	Landscaping [2]	Specify in Alternative Landscaping
Single housing type, maximum (% of units)	75 [1]	Tree protection	Modifications prohibited
Lot coverage, maximum (% of lot area)	To be established in the Master Plan	Open space set-aside [3]	30%
Nonresidential FAR, maximum (%)		Fences and walls	Specify in Security Plan (see Section 5.3.5)
Individual building size, maximum (sq ft)		Exterior lighting	Modifications prohibited
Building height, maximum (ft)		Community form	Specify in master plan
Setbacks, minimum and maximum (ft)		Nonresidential design	
Setback from abutting residential zoning district or existing residential use (ft)		Multi-family design Shopping Center Design	
Setback from major arterial streets, minimum (ft)		Community compatibility	Modifications prohibited
Min. Wetland/Riparian Buffer (ft)		30	Signage
<div>NOTES:</div> <div>[1] May be exceeded only on demonstration that a less diverse mix of housing types is appropriate</div> <div>[2] Internal uses shall not be required to provide perimeter buffers</div> <div>[3] The required percentage of open space set-aside shall be calculated based on the total district area</div>		Adequate public school facilities	Modifications prohibited
		<div>E. ENVIRONMENTAL PROTECTION STANDARDS</div> <p>The environmental protection standards in Chapter 7 of the UDO may not be modified by a planned development</p>	

A. Additional District-Specific Standards for the PD-O District

(1) Development Center

- (a)** A PD-O District shall be designed with a development center intended to serve as a public gathering area for residents and visitors. A development center shall include and be served by open space resources that allow residents and visitors to walk to and through the development center.
- (b)** The development center shall include central off-street parking resources that allow residents to park their vehicles and walk to destinations within the PD-O District.

(2) Use Mixing

- (a)** A PD-O District shall be structured to provide a mix of uses, like residential, retail, employment, civic, and recreational uses. The integration of residential and nonresidential uses allows residents to meet more of their daily needs within the development.
- (b)** Civic uses such as churches, post offices, and community centers are encouraged, but not required, as part of the district's nonresidential uses.
- (c)** Mixing of residential and nonresidential uses within a single project or structure is strongly encouraged, particularly within vertical mixed-use projects, in which different use types are located on different floors of a single structure.

(3) Housing

- (a)** A PD-O District shall include a variety of housing options, including accessory dwelling units and short-term employee housing, to allow greater diversity of residents within the neighborhood.
- (b)** Residential development within a PD-O District shall incorporate a variety of different housing types and different lot sizes in close proximity to one another.
- (c)** Where possible, new nonresidential development shall incorporate upper-story residential uses to help address affordable housing needs in the outer banks.

(4) Open Space Design

- (a)** Open space resources in a PD-O District shall emphasize the role of the beach and Currituck Sound as the primary open space resources in the community by providing direct access to these resources or to other open space resources serving them.
- (b)** Open spaces shall include pedestrian and bicycle features that allow residents and visitors to move through and around commercial and mixed-use portions of the PD-O District.
- (c)** Open space resources shall connect new developments with existing developments in a manner that allows residents and visitors to move across the island without use of an automobile.

(5) Building Configuration

(a) Location and Relationship between Buildings

In a PD-O district, buildings shall be used to define the street edge and the distinction between the public domain of the street and the private space of individual lots. To this end, buildings shall have a fairly consistent, narrow setback alignment along the street frontage.

(b) Relationship between Building Types

Buildings in a PD-O district should be built on a human scale and designed with a common, harmonious architectural vocabulary and landscaping to lend an intimate and personal feel to the streetscape. The intent should not be to create a uniform appearance, but rather a distinct sense of place.

3.8. OVERLAY ZONING DISTRICTS

3.8.1. Purpose

Overlay zoning districts are superimposed over portions of one or more underlying base zoning districts, conditional zoning districts, or planned development districts with the intent of supplementing generally applicable development regulations with additional development regulations that address special area-specific conditions, features, or plans while maintaining the character and purposes of the underlying zoning district.

3.8.2. Establishment of Overlay Zoning Districts

Table 3.8.2, Overlay Zoning Districts Established, sets out the overlay zoning districts established by this Ordinance. Except where specifically provided in this Ordinance, variances from the overlay zoning district standards shall not be granted.

TABLE 3.8.2: OVERLAY ZONING DISTRICTS ESTABLISHED	
DISTRICT NAME	ABBREVIATION
Airport Overlay	AO
Corolla Village Overlay [placeholder only]	CVO

3.8.3. Classification of Overlay Zoning Districts

Land shall be classified or reclassified into an overlay zoning district only in accordance with the procedures and requirements set forth in Section 2.4.3, Zoning Map Amendment.

3.8.4. Relationship to Base Zoning Districts

Regulations governing development in an overlay zoning district shall apply in addition to the regulations governing development in the underlying base zoning district, conditional zoning district, or planned development district. If the standards governing an overlay zoning district expressly conflict with those governing a base zoning district, conditional zoning district, or planned development district, the standards governing the overlay district shall control. Where land is classified into multiple overlay zoning districts and the standards governing one overlay zoning district expressly conflict with those governing another overlay district, the more restrictive standard shall apply.

3.8.5. Airport Overlay (AO) District

A. Purpose

The purpose of the Airport Overlay District is to protect and preserve the Currituck County Regional Airport and surrounding land from incompatible land uses and to:

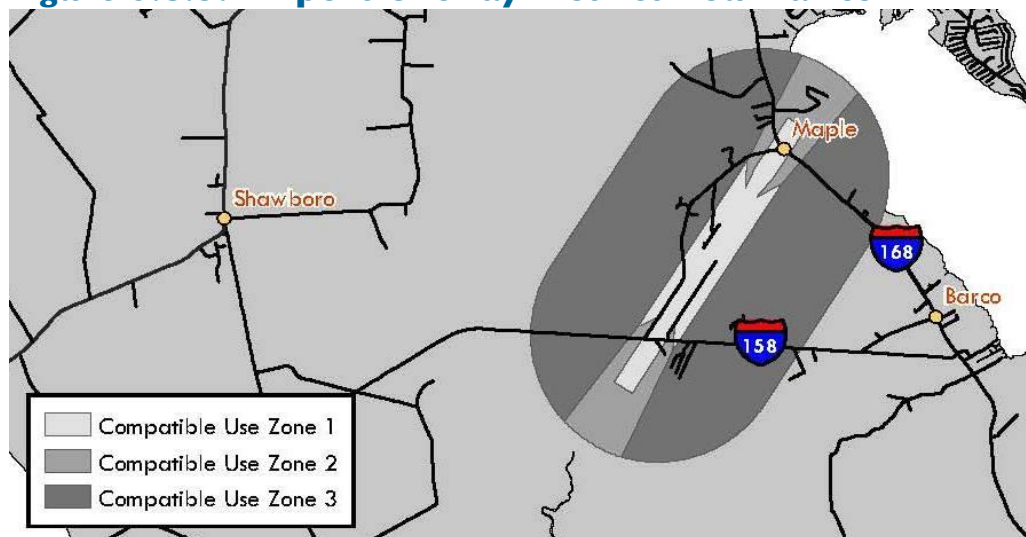
- (1) Protect and promote the general health, safety, welfare, and economy of the airport area;
- (2) Promote and encourage aviation related industries and compatible nonresidential uses to locate in close proximity to the airport;
- (3) Protect the character and stability of existing land uses in the vicinity of the airport;

SECTION 3.8: OVERLAY ZONING DISTRICTS**Subsection 3.8.5: Airport Overlay (AO) District**

- (4)** Promote interconnectivity among parcels that encourages the use of multimodal transportation and creates an integrated transportation network;
- (5)** Preserve natural resources that may be affected by harmful land uses or airport operations;
- (6)** Promote sustainable development patterns that are consistent with the Maple-Barco Small Area Plan and Airport Layout Plan Update.

B. Establishment and Applicability

- (1)** Development and use of lands within the Airport Overlay District shall be subject to the standards of this district. In the case of conflict between the standards of the Airport Overlay District and other standards of this Ordinance, the overlay standards shall control.
- (2)** Figure 3.8.5 identifies the approximate location of the Airport Overlay District and compatible use zone boundaries. In the case of conflict between the map in this subsection and the Official Zoning Map, the Official Zoning Map shall control.

Figure 3.8.5: Airport Overlay District Boundaries**C. Airport Compatible Use Zone Requirements**

In order to promote and encourage aviation related industries and compatible nonresidential uses to locate in close proximity to the airport, the Airport Overlay District is further divided into compatible use zones as recommended by the Federal Aviation Administration and depicted on the Official Zoning Map, and subject to special requirements. The zones and special requirements are established as follows:

(1) Compatible Use Zone I

- (a)** Major subdivisions shall have a maximum gross density of 0.25 dwelling units per acre. The maximum gross density may be increased to 0.5 dwelling units per acre provided residential construction techniques are designed and certified by an acoustical professional to achieve a minimum outside to inside noise reduction level of 25 decibels (dB). This performance measure shall be achieved by any suitable

SECTION 3.8: OVERLAY ZONING DISTRICTS

Subsection 3.8.5: Airport Overlay (AO) District

combination of building design, materials, or construction standards and shall be recorded with the final plat and as a restrictive covenant.

- (b)** Allowable uses shall be limited to single-family detached dwellings, agricultural, agriculture support and service uses, airport operations, aviation related uses, nonresidential uses that do not exceed an occupancy of ten people per acre, or conservation.

(2) Compatible Use Zone 2

- (a)** Major subdivisions shall have a maximum gross density of 0.33 dwelling units per acre. The maximum gross density may be increased to 0.66 dwelling units per acre provided residential construction techniques are designed and certified by an acoustical professional to achieve a minimum outside to inside noise reduction level of 25 decibels (dB). This performance measure shall be achieved by any suitable combination of building design, materials, or construction standards and shall be recorded with the final plat and as a restrictive covenant.
- (b)** Allowable uses shall be limited to single-family detached dwellings, agricultural, agriculture support and service uses, airport operations, aviation related uses, nonresidential uses that do not exceed an occupancy of 40 people per acre, or conservation.

(3) Compatible Use Zone 3

- (a)** The subdivision of land for residential purposes shall be subject to the maximum gross density requirements of the base zoning district.
- (b)** Allowable uses shall be limited to those permitted in the base zoning district.

D. General Standards

The following general standards shall apply to all development in the Airport Overlay District:

(1) Lighting

- (a)** Floodlights, spotlights, recreational lighting, or other lighting devices that are not shielded or angled to prevent illumination in an upward direction are prohibited. Exterior luminaries installed or utilized for nonresidential uses shall be full cut-off fixtures.
- (b)** Lighting that makes it difficult for pilots to identify airport lights, results in glare in the eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers or interferes with the landing, takeoff, or maneuvering of aircraft intending to use the airport is prohibited.
- (c)** The provisions of this subsection shall not apply to airport lighting used for navigational purposes in accordance with Federal Aviation Administration requirements.

(2) Interference

- (a)** Electronic impulses or signals that interfere with radio communications between aircraft and the airport or that interfere with established navigation aids are prohibited.

SECTION 3.8: OVERLAY ZONING DISTRICTS

Subsection 3.8.5: Airport Overlay (AO) District

- (b)** Any operation or use that emits smoke, dust, visible fumes or vapors into the atmosphere that would interfere with the safe navigation of aircraft using the airport is prohibited.

(3) Disclosures

- (a)** Final subdivision plats, master plans, site plans, or any other document filed as part of any approval process with Currituck County shall contain the following disclosure statement: “All or a portion of this property lies within the Airport Overlay District. Persons on the premises may be exposed to noise and other effects as may be inherent in airport operations. Currituck County has placed certain restrictions on development and use of property within this overlay.”
- (b)** Real estate transactions involving lands either wholly or partially located within the Airport Overlay District shall give full written disclosure of the restrictions on development and use of property within this overlay to the prospective purchaser in accordance with the N.C. Residential Property Disclosure Act (NCGS 47E). An Airport Overlay Disclosure Form is available in the Administrative Manual.

(4) Multimodal Transportation

Prior to the issuance of any permit for development, parcels abutting US 158 shall reserve a 20 foot public access easement along the property line adjoining the roadway.

(5) Natural Resources

- (a)** In no case shall hazardous materials or other harmful substances be stored, handled, treated, used, produced, recycled, or disposed of in a way that would pose a significant hazard to any surface or groundwater resource.
- (b)** The development and use of land shall meet the requirements of the Currituck County Wellhead Protection Plan. Any use or activity determined by the Director to pose a significant groundwater hazard to the county’s mainland public water supply shall be prohibited.
- (c)** Stormwater management facilities shall be designed, engineered, constructed, and maintained to detract waterfowl. This may include but is not limited to the use of riparian buffers, vegetative benches, wire gridding, or other techniques approved by the County.

(6) Height Restrictions

In order to carry out the height requirements of this subsection there are established certain zones which include all of the land lying beneath the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces as they apply to the airport. The location and boundaries of the height restriction zones established by this Ordinance are shown on a geographic coverage layer “Airport Height Restriction Zones” that is maintained as part of the County’s geographic information system (GIS) under the direction of the Director, and incorporated here by reference. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones and height limitations are set out in Table 3.8.5, Airport Overlay Height Zones:

SECTION 3.8: OVERLAY ZONING DISTRICTS**Subsection 3.8.6: Corolla Village Overlay (CVO) District****TABLE 3.8.5: AIRPORT OVERLAY HEIGHT ZONES**

ZONE	DESCRIPTION	HEIGHT RESTRICTION
Run-way Approach Zone	The inner edge of this approach zone coincides with the width of the primary surface and is 1,000 feet wide. The approach zone expands outward uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet from the primary surface. Its centerline is the continuation of the centerline of the runway.	Slopes 50 feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface and extending to a horizontal distance of 10,000 feet along the extended runway centerline; thence slopes upward 40 feet horizontally for each foot vertically to an additional horizontal distance of 40,000 feet along the extended runway centerline.
Transitional Zone	The transitional zones are the areas beneath the transitional surfaces.	Slope seven feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation which is 18 feet above mean sea level. In addition to the foregoing, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach zone projects beyond the conical zone, there are established height limits sloping seven feet outward for each foot upward beginning at the sides of and at the same elevation as the approach surface, and extending a horizontal distance of 5,000 feet measured at 90-degree angles to the extended runway centerline.
Horizontal Zone	The horizontal zone is established by swinging arcs of 10,000 feet radii from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal zone does not include the approach and transition zones.	One hundred fifty feet above the established airport elevation.
Conical Zone	The conical zone is established as the area that commences at the periphery of the horizontal zone and extends outward there from a horizontal distance of 4,000 feet.	Slopes 20 feet outward for each foot upward beginning at the periphery of the horizontal zone and at 150 feet above the airport elevation and extending to a height of 350 feet above the airport elevation.

E. Nonconformities

Any Residential Airpark Development having been given preliminary plat approval prior to October 17, 2011 shall be deemed legally nonconforming and subject to the following requirements:

- (1)** Minimum lot size is 40,000 square feet.
- (2)** Accessory structures (aircraft hangers) shall not be occupied until the principle structure has received a certificate of occupancy.
- (3)** Right-of-ways shall be a minimum of 45 feet in width, accommodate both aircraft and vehicles, and must be properly maintained by the developers of the residential airpark or their assigns.
- (4)** Any associated improvements onto airport property shall be paved and maintenance shall be the responsibility of the developers of the residential airpark or their assigns.

3.8.6. Corolla Village Overlay (CVO) District

[Placeholder]