



# Currituck County PLANNING BOARD AGENDA

Tuesday, June 10, 2025, 6:00 PM  
Historic Currituck Courthouse Board Room  
153 Courthouse Road  
Currituck, North Carolina 27929

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Pages

## Call to Order - 6:00 PM

1. Pledge of Allegiance and Moment of Silence
2. Ask for Disqualifications
3. Announce Quorum Being Met
4. Approval of Agenda
5. Approval of Minutes from May 13, 2025 2

## Old Business

## New Business

1. PB 25-11 James Eaton Text Amendment 8  
Request to amend the Unified Development Ordinance to establish a new use type "Warehouse (Storage and Distribution), Limited Access" in the Light Industrial and Heavy Industrial districts and establish use-specific standards.
2. PB 25-06 Currituck County Text Amendment 19  
Request to amend the Unified Development Ordinance to allow additional minor subdivision lots and revise minor subdivision standards.

## Announcements

## Adjournment



## CURRITUCK COUNTY

### NORTH CAROLINA

#### Minutes- Regular Meeting of the Planning Board

May 13, 2025, 6:00 p.m.

Present:	K. Bryan Bass Garry Owens Michael Corbell Steve Hedrick Brian P. Innes Juanita Krause	Chairman Vice Chairman Board Member Board Member Board Member Board Member
Absent:	Thomas Hurley	Board Member
Staff Present:	Bill Newns  Jennie Turner	Planning & Inspections Director Assistant Planning Director

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#### 1. Call to Order - 6:00 PM

The Currituck County Planning Board held a Regular Meeting at 6:00 PM in the Board Meeting Room of the Historic Courthouse, 153 Courthouse Road, Currituck, North Carolina. Chairman Bass called the meeting to order.

##### 1. Pledge of Allegiance and Moment of Silence

Chairman Bass led the Pledge of Allegiance and asked for a moment of silence.

##### 2. Ask for Disqualifications

There were no conflicts of interest or disqualification noted.

##### 3. Announce Quorum Being Met

Chairman Bass announced the quorum was met with six board members present.

**4. Approval of Agenda**

Vice Chairman Owens motioned to approve the agenda as presented. Mr. Hedrick seconded the motion, and the motion was approved with a 6-0 vote.

**MOVER:** Garry Owens

**SECONDER:** Steve Hedrick

AYES (6): K. Bryan Bass, Garry Owens, Michael Corbell, Steve Hedrick, Brian P. Innes, and Juanita Krause

ABSENT (1): Thomas Hurley

**RESULT: Approved (6 to 0)**

**5. Approval of Minutes for April 8, 2025**

Mr. Corbell motioned to approve the minutes for April 8, 2025, as presented. Vice Chairman Owens seconded the motion, and the motion was unanimously approved with a 6-0 vote.

**MOVER:** Michael Corbell

**SECONDER:** Garry Owens

AYES (6): K. Bryan Bass, Garry Owens, Michael Corbell, Steve Hedrick, Brian P. Innes, and Juanita Krause

ABSENT (1): Thomas Hurley

**RESULT: Approved (6 to 0)**

**2. Old Business**

There was no old business discussed.

**3. New Business**

**1. PB 25-07 Currituck County Text Amendment**

Assistant Planning Director Jennie Turner presented the staff report, noting that the Board of Commissioners had directed staff to initiate a text amendment to the Unified Development Ordinance. Following their feedback received during the February 26th work session, staff clarified that sidewalks are to be required on both sides of new streets, and that developments adjacent to planned sidewalks must provide an easement in lieu of constructing sidewalks.

Ms. Turner reviewed the proposed changes to Section 5.6.10, *Sidewalks and Pedestrian Circulation*, which include the requirement for sidewalks along new streets and a 15-foot-wide easement adjacent to the right-of-way for future public sidewalk installation. She explained that the Planning

Director would have the discretion to reduce the required easement width in cases where such a requirement would create significant hardship. She also outlined the exceptions, noting the Director's authority to waive requirements where environmental constraints, topography, or existing conditions render compliance impractical and no reasonable alternative design exists.

Ms. Turner presented maps illustrating the proposed side paths, trails, and sidewalks for the Northern and Southern Mainland areas of Currituck County as outlined in the adopted *Connect Currituck* plan. She clarified that the locations identified in the plan would be subject to the new provisions of the text amendment.

Chairman Bass asked for clarification on what constitutes a "major subdivision." Ms. Turner explained that a major subdivision is any subdivision that is not categorized as minor, family, or no-review—typically those involving the construction of roads to NCDOT standards and consisting of more than five or six lots. She added that the proposed amendment includes an existing exemption for subdivisions with five or fewer lots, which are not required to install sidewalks.

In response to Chairman Bass's question about ten-acre lots, Ms. Turner noted that such subdivisions fall under the "no-review" category and are exempt from the sidewalk requirements.

Mr. Corbell asked whether sidewalks would be located on the street side of drainage ditches, rather than the property-owner side. Mr. News responded that NCDOT generally prefers sidewalks to be set farther from the road for safety purposes.

Ms. Krause requested clarification on the timing of sidewalk installation for developments along designated corridors. Ms. Turner explained that previously, sidewalks were required to be installed prior to the issuance of a Certificate of Occupancy (CO). Under the new amendment, only the recording of the required easement is necessary prior to CO, with the actual sidewalk construction to follow later.

The board discussed safety and the required sidewalk widths. Ms. Turner noted that sidewalks must be at least five feet wide, with a ten-foot width required along major corridors.

Ms. Krause also raised concerns about the financial burden of sidewalk construction potentially shifting to taxpayers, since developers would no longer be responsible for installation. Ms. Turner responded that NCDOT has plans to make future highway improvements, including the installation of pedestrian pathways. Ms. Krause expressed support for sidewalks as part of a healthy, connected community but remained concerned about the public cost of their construction.

Ms. Turner concluded by presenting the applicable review standards, goals, and policies for the proposed text amendment, delivered the Consistency Statement, and recommended approval based on staff's findings.

In response to a question from Ms. Krause about whether easements are required on both sides of the street even if development exists on only one side, Ms. Turner explained that exceptions apply. For instance, a trail could serve as an equivalent pedestrian circulation route if it is at least eight feet wide and constructed with a hard surface to meet ADA standards.

Mr. Hedrick asked whether existing developments would be required to provide easements. Ms. Turner confirmed that the requirement applies only to new development or redevelopment. Mr. Hedrick expressed concern that this could result in disjointed or "spotty" sidewalk networks. Ms. Turner noted that in many cases—particularly along major corridors—sidewalks can be accommodated within existing easements.

Mr. Hedrick motioned to **approve PB 25-07 Currituck County Text Amendment** because the request is in conformance with the General Purpose and Intent of the Unified Development Ordinance and is consistent with the goals, objectives, and policies of the *Imagine Currituck 2040 Vision Plan*, including Land Use Policy 2.1.

Mr. Corbell seconded the motion, and the motion was approved unanimously 6-0.

**MOVER:** Steve Hedrick

**SECONDER:** Michael Corbell

AYES (6): K. Bryan Bass, Garry Owens, Michael Corbell, Steve Hedrick, Brian P. Innes, and Juanita Krause

ABSENT (1): Thomas Hurley

**RESULT: Approved (6 to 0)**

## **2. Discussion of Future Text Amendments**

### **Summary of Upcoming Unified Development Ordinance (UDO) Text Amendments Presented by Ms. Turner:**

#### **1. Minor and Family Subdivisions:**

- Residential Zoning (SFM - Single Family Mainland):**

- Currently requires County water for minor subdivisions.
- Board of Commissioners directed staff to explore allowing minor subdivisions **without** County water.

- Family subdivisions are already exempt from this water requirement.
- **Agricultural Zoning:**
  - Current rule requires **3-acre minimum lot size** for minor subdivisions without County water.
  - Proposed change would allow **40,000 sq. ft. lots** (less than 1 acre) without County water.

## 2. **Legislative Compliance Amendments:**

- **Manufactured Homes:**
  - Ordinance must be updated to comply with state law: **cannot exclude homes based on age.**
  - Requires revisions to definitions related to manufactured homes.
- **Parking Standards:**
  - State law mandates **maximum space size of 9' x 20'.**
  - Ordinance will be amended to reflect this.
- **Bona Fide Farms:**
  - Updated **definition needed** based on recent changes in state law.
- **Lot Coverage Definitions:**
  - Changes in what counts as "built-upon area" require updates to **lot coverage definitions.**
  - Already being interpreted in practice but needs formal inclusion in ordinance.

### **Next Steps:**

- Draft language is in progress.
- Proposed amendments expected to be presented within the next few months at future Planning Board meetings.

## 4. **Announcements**

There were no announcements.

## 5. **Adjournment**

Mr. Corbell motioned to adjourn the meeting. Mr. Hedrick seconded the motion, and the meeting adjourned at approximately 6:35 PM.

**MOVER:** Michael Corbell

**SECONDER:** Steve Hedrick

AYES (6): K. Bryan Bass, Garry Owens, Michael Corbell, Steve Hedrick, Brian P. Innes, and Juanita Krause

ABSENT (1): Thomas Hurley

**RESULT: Approved (6 to 0)**



**Currituck County**

Planning and Inspections Department  
153 Courthouse Road Suite 109  
Currituck NC 27929  
252-232-3055 Fax 252-232302

To: Planning Board

From: Planning Staff

Date: June 6, 2025

Subject: PB 25-11 James Eaton Text Amendment  
Warehouse (Storage and Distribution), Limited Access

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James Eaton is requesting a text amendment to the Unified Development Ordinance (UDO) Chapter 4, Use Standards, to add a new *Warehouse (Storage and Distribution), Limited Access* use. As proposed, the new use would be permitted with the issuance of a zoning permit in Light Industrial and Heavy Industrial districts. A new section 4.2.5.B.(7) will add use-specific standards for the Warehouse (Storage and Distribution), Limited Access use.

The request includes an amendment to Chapter 5, Section 5.1.3.C, to establish an appropriate parking standard for the new use.

Amendment to Chapter 10, Section 10.5 is requested to describe the characteristics of the new use and add definitions of *Warehouse (Storage and Distribution), Limited Access, Trip, and Straight Truck*.

**Background**

The Warehouse and Freight Movement use category currently allows warehouse uses, including storage and distribution, in both the Heavy Industrial and Light Industrial zoning districts. The use-specific standards for these uses require a 500-foot setback from any residential zoning district, school, or child care center. The district purposes for Heavy and Light Industrial Zoning Districts are as follows:

**Light Industrial:** 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

PB 25-11 James Eaton  
Text Amendment  
Page 1 of 3



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.

**Heavy Industrial:** 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 waste, 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.

UDO section 10.4.6.D provides characteristics and examples of Warehouse and Freight Movement Category as follows:

#### **Characteristics**

The Warehouse and Freight Movement Use Category includes use types involving the storage or movement of goods for themselves or other firms or businesses. Goods are generally delivered to other firms or the final customer, except for some will-call pickups. There is little on-site sales activity with the customer present. Accessory uses include offices, truck fleet parking, outdoor storage, and maintenance areas.

#### **Examples**

Example use types include separate storage warehouses (used for storage by retail stores such as furniture and appliance stores); distribution warehouses (used for distribution by trucking companies; cold storage plants; self-service storage; and outdoor storage (as a principal use).

These uses frequently involve loading and unloading of large vehicles such as tractor trailers or semi-trucks, which typically require the use of loading docks, forklifts, etc. These activities produce noise that would be a nuisance to residential uses. There is currently no limit to the size of the trucks or buildings for these uses, nor is there a limit on the number of trips per day. These are the main reasons for the 500-foot setback from residential districts, schools, and child care centers.

The enclosed text amendment proposes a less intense warehouse use which allows both storage and distribution but limits the size of trucks and the trips per day. The proposed *Warehouse (Storage and Distribution), Limited Access* use specific standards limit the use to straight trucks. Typical examples of straight trucks are box trucks and pickup trucks. This will be further clarified in the proposed definition.

According to the United States Bureau of Transportation statistics, the average household in Currituck County generates about 5 to 6 trips per day. The trips per day for the new proposed use would be limited to 20. Each time a vehicle enters or exits the site counts as a trip. The

combination of these limitations is intended to allow less intense storage and distribution in industrial zones without the need for the current 500-foot separation from residential districts, schools, and child care centers.

### **Text Amendment Review Standards**

The advisability of amending the text of the UDO is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed text amendment:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;
6. Would result in a logical and orderly development pattern; and
7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

### **Staff Recommendation**

Staff recommends approval of this request subject to the suggested Consistency Statement:

The requested text amendment is consistent with the goals, objectives, and policies of *Imagine Currituck 2040 Vision Plan* and the UDO, including:

**Land Use Goal 1:** Encourage development to occur at densities appropriate for their location and consider factors, including but not limited to: environmentally suitable areas; suitable soils; adequate infrastructure; the type and capacity of sewage treatment available to the site; the adequacy of transportation facilities providing access to the site; and compatibility and proximity of the site to existing and planned County services.

**Land Use Goal 2.2:** Continue to prohibit incompatible or poorly planned commercial encroachment near residential areas.

**Land Use Goal 3:** Support new and existing commercial developments that adhere to quality community appearance and design standards, including landscaping improvements and signs tailored to achieve a unique community character.

**Economic Development Goal 1:** Support the retention and expansion of existing businesses and promote the development of new businesses, especially those that help diversify the local economy and are compatible with the county's natural amenities and environment.



# PB 25-11 JAMES EATON TEXT AMENDMENT PLANNING BOARD JUNE 10, 2025

James Eaton requests an amendment to the Unified Development Ordinance, Chapter 4. Use Standards and Chapter 10. Definitions and Measurement to add a new *Warehouse, Limited Access* use.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

**Item 1:** That Chapter 4, Table 4.1.1.A, is amended by adding the following underlined language.

TABLE 4.1.1.A.: SUMMARY USE TABLE

Z = Zoning Compliance Permit; U = Special Use Permit; MP = Allowed with Master Plan;  
CZ= Allowed in a Conditional Zoning District blank cell = Prohibited

USE CATEGORY	USE TYPE	ZONING DISTRICT [NOTE: OVERLAY OR SUB-DISTRICT REQUIREMENTS MAY FURTHER LIMIT USES]															ADDITIONAL REQ. (4.2.____)
		RC	AG	SFM	SFO	SFR	SFI	MXR	GB	LB	VC	LI	HI	PD-R	PD-M	PD-O	
		INDUSTRIAL USE CLASSIFICATION															
Warehouse and Freight Movement	<u>Warehouse (Storage and Distribution), Limited Access</u>											⌞	⌞		MP	MP	5.B.7

**Item 2:** That Chapter 4, Section 4.2.5.B.7, is amended by adding the underlined language and renumbering accordingly.

(7) **Warehouse (Storage and Distribution), Limited Access**

- (a) The use shall be limited to straight trucks for deliveries and pickups and shall not exceed twenty (20) trips per day.
- (b) The use of tractor-trailers or semi-trucks for deliveries and pickups is prohibited.
- (c) The total floor area of all associated buildings shall not exceed 10,000 square feet.
- (d) On-site manufacturing and hazardous material storage are prohibited.

**Item 3:** That Chapter 5, Table 5.1.3.C, is amended by adding the underlined language:

TABLE 5.1.3.C: MINIMUM OFF-STREET PARKING STANDARDS		
USE CATEGORY	USE TYPE	MINIMUM NUMBER OF PARKING SPACES
INDUSTRIAL USE CLASSIFICATION		
Warehouse and Freight Movement	<u>Warehouse (Storage and Distribution), Limited Access</u>	<u>Section 5.1.3.E</u>

**Item 4:** That Chapter 10, Section 10.5, Definitions is amended by adding the underlined language:

**WAREHOUSE (STORAGE AND DISTRIBUTION), LIMITED ACCESS**

A storage and distribution facility that operates with a maximum of twenty (20) trips per day, utilizes only straight trucks and does not involve on-site manufacturing, or hazardous material storage.

**TRIP**

A one-way journey that proceeds from an origin to a destination via a single mode of transportation.

**STRAIGHT TRUCK**

A vehicle with a fixed trailer or bed where the cargo area is attached directly to the cab on a single frame, making it a self-contained unit. Examples include, but are not limited to, box trucks and pick-up trucks.

**Item 5:** Statement of Consistency:

**[STATEMENT OF CONSISTENCY TO BE ADDED FOLLOWING BOARD ACTION]**

**Item 6:** The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

**Item 7:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Board of Commissioners' Chairman  
Attest:

\_\_\_\_\_  
Leeann Walton  
Clerk to the Board

(SEAL)

DATE ADOPTED: \_\_\_\_\_  
MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_  
SECONDED BY COMMISSIONER: \_\_\_\_\_  
VOTE: \_\_\_\_\_AYES \_\_\_\_\_NAYS \_\_\_\_\_  
.....

PLANNING BOARD DATE: \_\_\_\_\_  
PLANNING BOARD RECOMMENDATION: \_\_\_\_\_  
VOTE: \_\_\_\_\_AYES \_\_\_\_\_NAYS \_\_\_\_\_  
ADVERTISEMENT DATE OF PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_  
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_  
AMENDMENT NUMBER: \_\_\_\_\_



## Text Amendment Application

OFFICIAL USE ONLY:

Case Number:

Date Filed:

Gate Keeper:

Amount Paid:

PB 25-11  
4/24/25  
Cheri Gregg  
\$300.00

### Contact Information

#### APPLICANT:

Name: James Eaton

Address: 138 Oyster Bed Lane

Southern Shores NC, 27949

Telephone: 252-455-0205

E-Mail Address: james@justforthebeach.com

### Request

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

Amend Chapter(s) 4 Section(s) Section 4.1.2.; Table 4.1.1.A as follows:

In Section 4.1.2, Table 4.1.1.A, within Use Category "Industrial Services"

Add a use type titled "Equipment Rental Offices, Operations and Storage"

Futher annotate colums LI, HI, and Additional Requirements with Z, Z, and 5.B.7 respectively.

In section 4.2.5 create a new paragraph B.7 that reads as follows:

(7) Equipment Rental Offices, Operations and Storage

(a) Equipment Rental Offices, Operations and Storage shall meet all applicable requirements

for the zoning district in which they are located.

(b) When the use is located within 500 feet of a residentially zoned district and

when operations require equipment to be removed and returned the storage facility,

the number of trips shall not exceed 10 per day. A single trip shall be considered one outbound

and one return action, "a round trip".

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

Petitioner

A handwritten signature in black ink, appearing to read "James Eaton", written over a horizontal line.

04/23/25

Date

### Text Amendment Submittal Checklist

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

## Text Amendment Submittal Checklist

Date Received: 4/24/2025  
Project Name: PB 25-11 James Eaton TA  
Applicant/Property Owner: James Eaton

### Text Amendment Submittal Checklist – Documents provided on USB flash drive or CD

1	Complete Text Amendment application	<input checked="" type="checkbox"/>
2	Application fee (\$300)	<input checked="" type="checkbox"/>

### For Staff Only

#### Pre-application Conference

Pre-application Conference was held on 3/13/2025 and the following people were present:

\_\_\_\_\_  
\_\_\_\_\_

#### Comments

Jason Litteral, Jennie Turney, Millicent Off  
James Eaton  
\_\_\_\_\_  
\_\_\_\_\_

**From:** [Patrick C. Leary](#)  
**To:** [james@justforthebeach.com](mailto:james@justforthebeach.com); [Bill Newns](#); [Jennie Turner](#); [Richard Godsey](#); [Jason Litteral](#); [Millicent Ott](#); [Cheri Grego](#)  
**Subject:** Pre-Application Conference - James Eaton - Warehouse Text Amendment  
**Date:** Friday, March 14, 2025 4:42:41 PM

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Good afternoon James,

Below are the notes from our pre-application conference on March 13, 2025. Please consider all comments and either submit a complete application or we can schedule another pre-application conference.

**Attendees:**

- James Eaton
- Bill Newns, Planning and Inspections Director
- Jennie Turner, Assistant Planning and Inspections Director
- Rick Godsey, Chief Building Inspector
- Jason Litteral, Senior Planner
- Millicent Ott, Planner 2
- Patrick Leary, Planner 1

Planning

General Comments

1. Please consider the process to text amendment review standards in Section 2.4.2.C of the UDO:

The advisability of amending the text of this Ordinance is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed text amendment:

- (1) Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
- (2) Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
- (3) Is required by changed conditions;
- (4) Addresses a demonstrated community need;
- (5) Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;
- (6) Would result in a logical and orderly development pattern; and
- (7) Would not result in significantly adverse impacts on the natural



environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

2. The next submittal deadline is March 27, 2025.

#### Specific Comments

1. Please provide the answers to Section 10.4.1.D.2 of the UDO when proposing an update to the text amendment when submitting your complete application:

- "(a) The volume and type of sales, retail, wholesale, etc.;*
- (b) The size and type of items sold and nature of inventory on the premises;*
- (c) Any processing done on the premises, including assembly, manufacturing, warehousing, shipping, distribution;*
- (d) Any dangerous, hazardous, toxic, or explosive materials used in the processing;*
- (e) The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside or outside the principal building;*
- predominant types of items stored (such as business vehicles, work-in-process, inventory, and merchandise, construction materials, scrap and junk, and raw materials including liquids and powders);*
- (f) The type, size, and nature of buildings and structures;*
- (g) The number and density of employees and customers per unit area of site in relation to business hours and employment shifts;*
- (h) Transportation requirements, including the modal split for people and freight, by volume type and characteristic of traffic generation to and from the site;*
- (i) Trip purposes and whether trip purposes can be shared by other use types on the site;*
- (j) Parking requirements, turnover and generation, ratio of the number of spaces required per unit area or activity;*
- (k) The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;*
- (l) Any special public utility requirements for serving the proposed use type, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and*
- (m) The impact on adjacent lands created by the proposed use type, which should not be greater than that of other use types allowed in the zoning district"*

2. Planning staff will investigate the countywide impact of amending Heavy Industrial (HI) use requirements to reduce the 500' setback from residential districts.

Thank you. If you have any questions or concerns, please feel free to reach out.

Regards,  
Patrick

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**Patrick C. Leary**

*Planner I*, Planning and Inspections Department, Currituck County

(252)232-6032 | [Patrick.Leary@CurrituckCountyNC.gov](mailto:Patrick.Leary@CurrituckCountyNC.gov) | <https://CurrituckCountyNC.Gov>



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**Currituck County**

Planning and Inspections Department  
153 Courthouse Road Suite 109  
Currituck NC 27929  
252-232-3055 Fax 252-232302

To: Planning Board

From: Planning Staff

Date: June 6, 2025

Subject: PB 25-06 Currituck County Text Amendment  
Minor Subdivisions

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The Currituck County Board of Commissioners is requesting an amendment to the Unified Development Ordinance related to Minor Subdivisions. The topic was initially discussed during the February 26, 2025 work session, and additional direction was provided during the June 2, 2025 work session.

**Summary:**

1. Amend minor subdivision provisions to allow up to 5 splits from the parent parcel as it existed on April 2, 1989.
2. Provide clarifying language that family subdivision lots shall be initially conveyed to a family member within two degrees of kinship.
3. Allow minor subdivision lots to be created on an existing NCDOT maintained public street.
4. Limit the number of access points on major arterial and restricted access streets to 3.
5. Provide that private access streets may serve up to 5 lots but must meet North Carolina Fire Code if they serve more than 2 lots.
6. Allow family lots to be created on an easement subject to the private access street standards.
7. Reduce minimum lot size for minor subdivision lots in the Agriculture District (AG) from 3 acres to 40,000 square feet without county water connection.
8. Eliminate the lot depth to width requirement for minor subdivision lots in AG.
9. Eliminate the lot depth to width requirement for minor subdivision lots in the Single-Family Residential Mainland District (SFM).
10. Provide clarification on private access street standards and allow for additional private access streets for family subdivisions.
11. Allow minor subdivision lots in SFM without county water connection requirement.
12. Amend water supply standards to allow minor subdivisions without county water connection and to allow minor AG lots without water connection.
13. Provide clarifying language for family subdivision lots to be created on an easement.
14. Amend definitions to reflect the proposed changes to minor subdivisions.
15. *Alternative:* Allow a maximum of one flag lot per parent parcel to be permitted as a minor subdivision and provide clarity to the definition of flag lot.

PB 25-06 Currituck County  
Text Amendment  
Page 1 of 2

### **Text Amendment Review Standards**

The advisability of amending the text of the UDO is a matter committed to the legislative discretion of the Board of Commissioners and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the Board of Commissioners may weigh the relevance of and consider whether and the extent to which the proposed text amendment:

1. Is consistent with the goals, objectives, and policies of the Land Use Plan and other applicable county-adopted plans;
2. Is not in conflict with any provision of this Ordinance or the County Code of Ordinances;
3. Is required by changed conditions;
4. Addresses a demonstrated community need;
5. Is consistent with the purpose and intent of the zoning districts in this Ordinance, or would improve compatibility among uses and ensure efficient development within the county;
6. Would result in a logical and orderly development pattern; and
7. Would not result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment.

### **Staff Recommendation**

Staff recommends approval of this request subject to the suggested Consistency Statement:

The requested text amendment is consistent with the goals, objectives, and policies of *Imagine Currituck 2040 Vision Plan* and the UDO, including:

**Land Use Goal 1:** Encourage development to occur at densities appropriate for their location and consider factors, including but not limited to: environmentally suitable areas; suitable soils; adequate infrastructure; the type and capacity of sewage treatment available to the site; the adequacy of transportation facilities providing access to the site; and compatibility and proximity of the site to existing and planned County services.



# PB 25-06 CURRITUCK COUNTY TEXT AMENDMENT PLANNING BOARD JUNE 10, 2025

Currituck County requests an amendment to the Unified Development Ordinance, Chapter 2. Administration, Chapter 3. Zoning Districts, Chapter 6. Subdivision and Infrastructure Standards, Chapter 10. Definitions and Measurement.

BE IT ORDAINED by the Board of Commissioners of the County of Currituck, North Carolina that the Unified Development Ordinance of the County of Currituck be amended as follows:

**Item 1:** That Chapter 2, Section 2.4.8. is amended by deleting the following strikethrough language, adding the underlined language and renumbering accordingly:

## **C. Subdivisions Distinguished**

There are three different types of subdivisions under this section: a no-review subdivision, a minor subdivision, and a major subdivision.

### **(I) No-Review Subdivision**

- (a)** A no-review subdivision is the division of land in a way that is not subject to review under this section, but is subject to compliance with all other applicable standards in this Ordinance and the County Code of Ordinances. No-review subdivisions consist of the division of land in one of the following ways:
  - (i)** The combination or recombination of portions of previously platted lots where the total number of lots is not increased and the resultant lots are equal to or exceed the standards of this Ordinance;
  - (ii)** The division of land into parcels greater than ten acres where no street right-of-way dedication is involved. Each parcel that is part of the subdivision shall be greater than ten acres;
  - (iii)** The public acquisition by purchase of strips of land for the widening or opening of streets or provision of public utilities;
  - (iv)** The division of a tract of land in single ownership that is no greater than two acres in area into not more than three lots, when:
    - (A)** No street right-of-way dedication is involved: and
    - (B)** The resultant lots are equal to or exceed the standards of this Ordinance.
  - (v)** The division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes. (The division of land for the purpose of settling an estate is not a division of land for the purpose of sale or building development.)

- (b) Any map or plat related to a no-review subdivision intended for recordation shall bear the words “no approval required” and the signature of the Director.

## **(2) Minor Subdivision**

A ~~minor~~ subdivision ~~that~~ consists of the division of land into ~~five~~ three or fewer lots (including the residual parcel or tract of less than ten acres in area), that does not constitute a no review subdivision and ~~does not require significant infrastructure improvements. For the purpose of this section, significant infrastructure includes but is not limited to: a road installed to NCDOT standards, fire hydrant, and/or a fire pond.~~ A family subdivision is a type of minor subdivision that allows additional lots where single-family lots may only be conveyed to family members within two degrees of kinship (e.g., parent, child, grandchild) subject to the minor subdivision review standards and additional standards for family subdivisions.

## **(3) Major Subdivision**

All other subdivisions of land shall constitute a major subdivision.

### **D. Minor Subdivision**

#### **(I) Procedure**

##### **(a) Pre-Application Conference**

Not applicable.

##### **(b) Community Meeting**

Not Applicable.

##### **(c) Application Submittal and Acceptance**

(i) Applicable (see Section 2.3.4). Applications shall include a final plat prepared in accordance with the applicable standards in Section 2.4.8.E.8., Final Plat Review Standards.

(ii) Applications for a family subdivision shall include an attestation that the purpose for the subdivision is solely for the conveyance of lots to family members within two degrees of kinship (e.g., parent, child, grandchild), ~~and that~~

(iii) The initial conveyance of a lot in a family subdivision to a non-family member is a violation of this Ordinance.

##### **(d) Staff Review and Action**

Applicable (see Section 2.3.5). The Director shall decide an application for a minor subdivision in accordance with Section 2.3.5.D, Applications Subject to Decision by Director or Technical Review Committee, and Section 2.4.8.D.2, Minor Subdivision Review Standards.

##### **(e) Public Hearing Scheduling and Public Notification**

Not applicable.

##### **(f) Public Hearing Procedures**

Not applicable.

##### **(g) Advisory Body Review and Recommendation**

Not applicable.

##### **(h) Decision-Making Body Review and Decision**

Not applicable.

## (2) Minor Subdivision Review Standards

### (a) General Standards

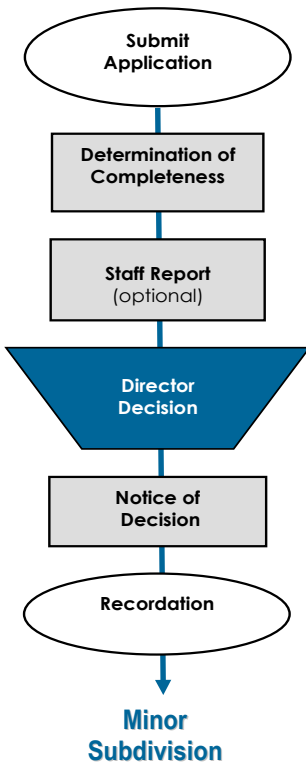
A minor subdivision shall be approved on a finding that:

- (i) It complies with the dimensional standards of Chapter 3: Zoning Districts, all applicable standards in Section 5.6. Community Form Standards, and Section 6.2. Required Infrastructure; ~~Chapter 6: Subdivision and Infrastructure Standards, the applicable standards for a final plat in Section 2.4.8.E.8.; and all other applicable standards in this Ordinance;~~
- (ii) ~~It complies with the dimensional standards of Chapter 3;~~
- (iii) It will result in no more than five ~~three~~ lots created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area), as it existed on April 2, 1989 (except as allowed in Section 2.4.8.D.2.B, Additional Standards for Family Subdivisions or as allowed in Section 2.4.8.D.2.C, Additional Standards for Non-residential Minor Subdivisions);
- (iv) ~~It does not Resultant lots and the parent parcel~~ front an existing NCDOT-maintained public street, or a private access street ~~(except for Family Subdivisions and Non-residential Minor Subdivisions);~~
- (v) No more than three access points from the parent parcel (including driveways or public access streets) may be created along major arterial or restricted access streets. The parent parcel and new parcel(s) shall front a private access street (except as allowed in Section 2.4.8.D.2.C., Additional Standards for Non-residential Minor Subdivisions). The existing driveway to the parent parcel shall be removed if that driveway is not converted into the private access street to service the resultant parcels.
- (vi) ~~There is no public right-of-way dedication;~~
- (vii) It does not create a private access street serving more than five ~~two~~ lots ~~unless it is a family subdivision;~~
- (viii) Any private access street created shall connect to an existing NCDOT-maintained public street and shall comply with Section 6.2.1.B.1 Private Access Street Standards; and,
- (ix) Any private access street serving more than two lots shall meet the North Carolina Fire Code including a fire apparatus turn-around and fire flow requirements. It does not require significant infrastructure improvements. For the purpose of this section significant infrastructure includes, but is not limited to: a road installed to NCDOT standards, fire hydrant, and/or a fire pond.

### (b) Additional Standards for Family Subdivisions

Family subdivisions shall follow the review procedure for minor subdivisions and shall comply with the general standards in (a) above as well as the following:

- (i) Lots shall be initially ~~solely~~ conveyed to family members within two degrees of kinship (e.g., parent, child, grandchild). A



maximum of one lot shall be conveyed to the individual family member, including family subdivisions on different parent parcels

- (ii) No more than five lots are created from the parent parcel or tract (including the residual parcel or tract of less than ten acres in area) as it existed ten years prior to application submittal.
- (iii) ~~Ingress and egress to a lot shall not be from a major arterial street.~~
- (iv) Private access streets or easements created serving family lots shall connect to an NCDOT-maintained public street and shall not serve more than five lots. Newly created and existing easements shall be improved to meet private access street standards and documentation of the permanent and non-exclusive easement shall be provided to the county.
- (v) Principal uses shall be limited to single-family detached dwellings and customary accessory uses.

**Item 2:** That Chapter 3, Section 3.3.3. Agriculture District and Section 3.4.2. Single-Family Residential Mainland are amended by deleting the following strikethrough language, adding the underlined language, and renumbering accordingly:



### 3.3.3. Agriculture (AG) District

# AG

## AGRICULTURE DISTRICT



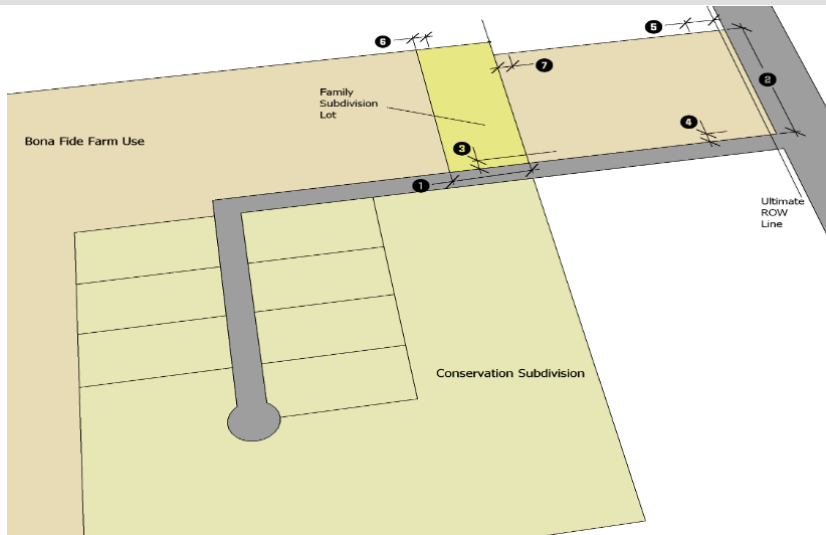
#### A. DISTRICT PURPOSE

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

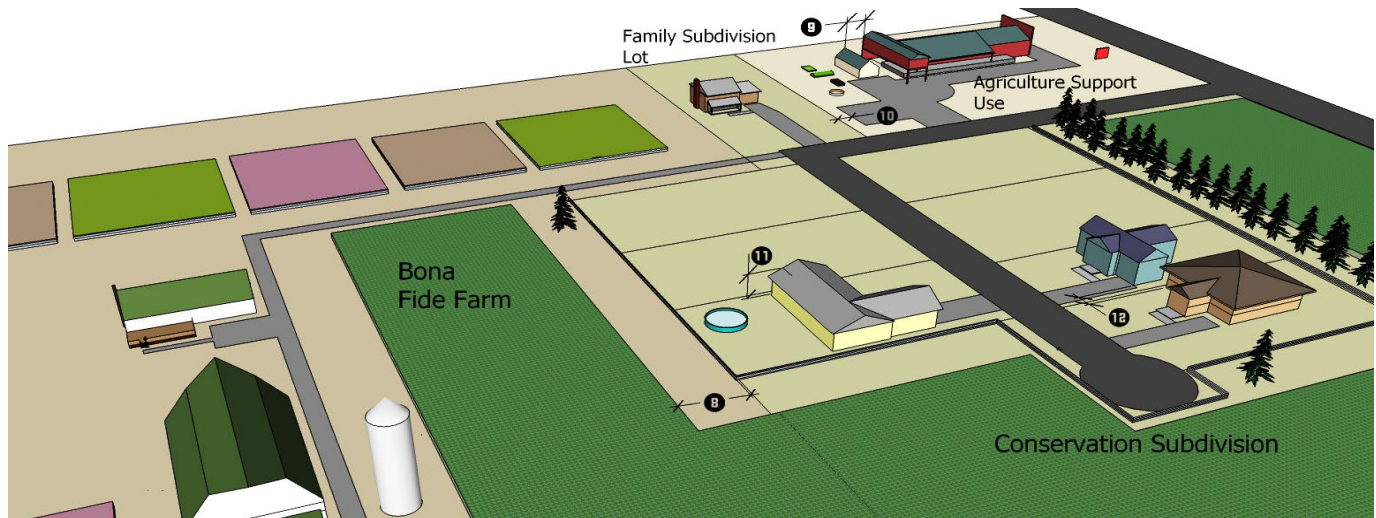


All major subdivisions shall be designed in accordance with the conservation subdivision standards in Section 6.4.

#### D. TYPICAL BUILDING FORMS



#### E. BUILDING CONFIGURATION



## F. DIMENSIONAL STANDARDS

MS= Minor Subdivision and Existing Lot Development [8]

CS = Conservation Subdivision Development

	MS	CS		MS	CS	
Max. Gross Density (du/ac)			Max. Lot Coverage (%)	30	30	
With 50% Open Space (du/ac)			Min. Front Setback (ft) [4]	50/20	50/20	3
County Water Supply		0.33	Min. Corner Side Setback (ft)	50/20	50/20	4
No County Water Supply [7]		0.15	Min. Major Arterial Street Setback (ft)	50	50	5
With 60% Open Space (du/ac)		0.4	Min. Side Setback (ft)	15	15	6
Max. Nonresidential FAR (%)	0.4	N/A	Min. Rear Setback (ft)	25	25	7
Min. Lot Area	[1]		Min. Agriculture Setback (ft) [5]	N/A	50	8
County Water Supply (square feet)		30,000	Min. Accessory Use Setback (ft)	10	10	9
No County Water Supply (acres) [7]		2	Min. Driveway/Parking Setback (ft)	10	10	10
Max. Lot Area (acres)	N/A	N/A	Min. Fill Setback from all Lot Lines (ft)	10	10	
Min. Lot Width, Interior Lot (ft) [2]	125	N/A	Min. Wetland/Riparian Buffer (ft) [5]	30	30	
Min. Lot Width, Corner Lot (ft)	135	N/A	Max. Building Height (ft) [6]	35	35	11
Max. Lot Depth	N/A [3]	N/A	Min. Spacing Between Principal Buildings (ft)	10	10	12

[1] Minor and family 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. Family 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 lines. 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

[8] Applied to minor subdivisions and existing lot development

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





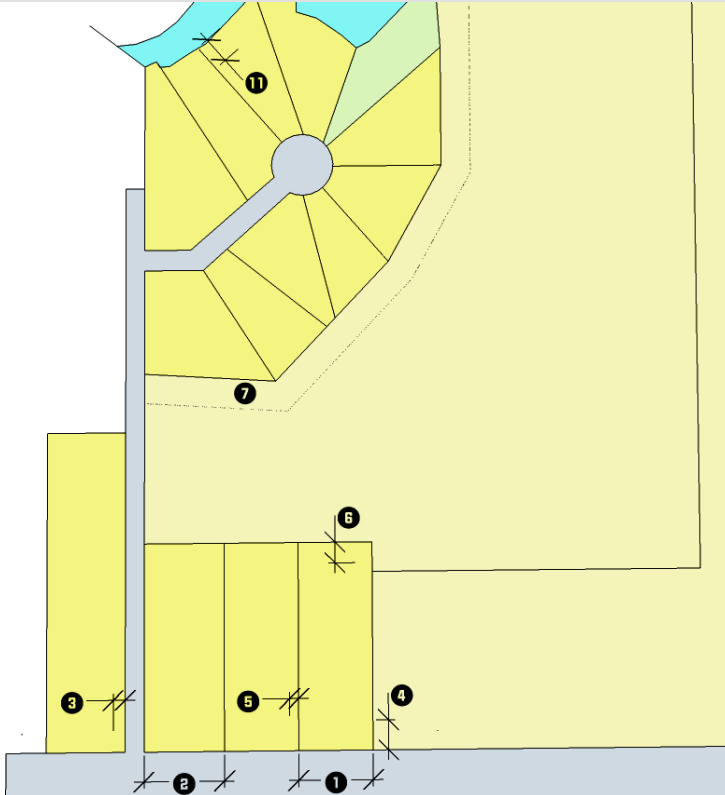
## A. DISTRICT PURPOSE

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



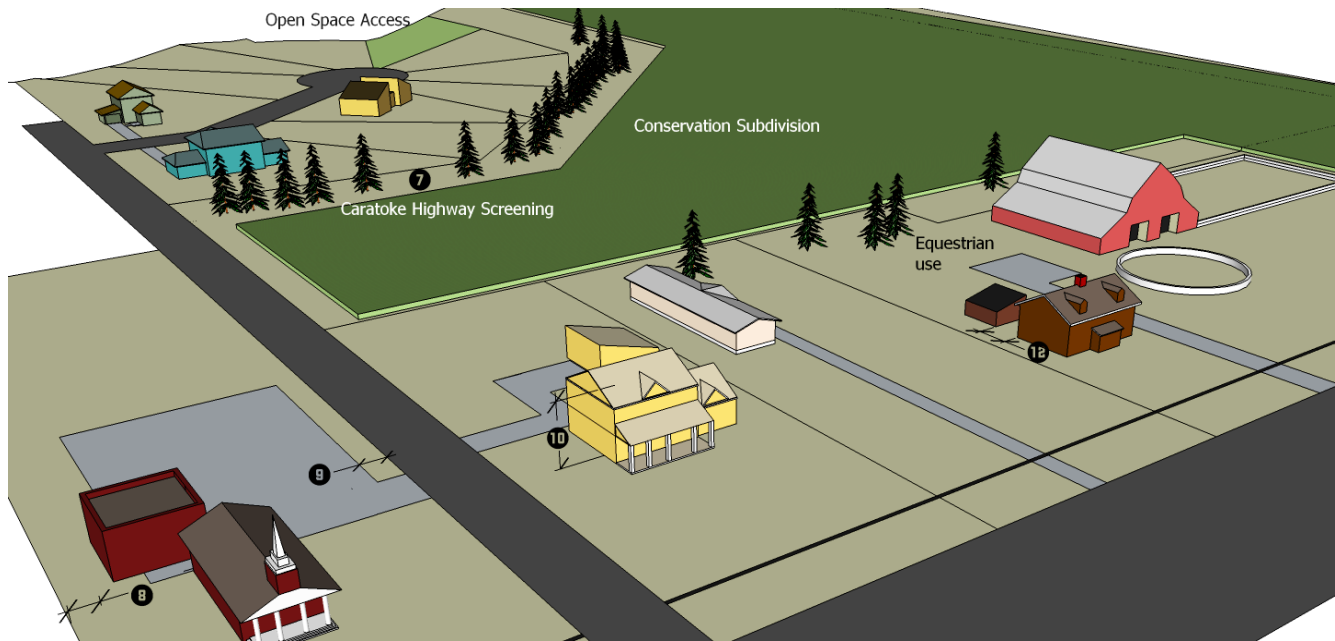
Development established after January 1, 2013 that fronts or is within 1,000 feet of a major arterial street shall provide streetscape landscaping in accordance with Section 5.2.8.

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

## D. TYPICAL BUILDING FORMS



## E. BUILDING CONFIGURATION



## F. DIMENSIONAL STANDARDS

MS= Minor Subdivision and Existing Lot Development [6]

CS = Conservation Subdivision Development

	MS	CS		MS	CS	
			Min. Front Setback (ft) [4]	50/20	50/20	
Max. Gross Density – Conservation Sub. [7]			Min. Corner Side Setback (ft) [4]	50/20	50/20	3
In O-2 Transect (du/ac)		0.33	Min. Major Arterial Street Setback (ft)	50	50	4
In G-1 Transect (du/ac)		0.75	Min. Side Setback (ft)	10	10	5
In G-2, G-3, G-4 Transects (du/ac)		1.0	Min. Rear Setback (ft)	25	25	6
Max. Nonresidential FAR (%)	0.4	N/A	Min. Agriculture Setback (ft) [5]	50	50	7
Min. Lot Area (sf ft)	40,000	25,000	Min. Accessory Use Setback (ft)	10	10	8
Max. Lot Area (acres)	N/A	N/A	Min. Driveway/Parking Setback (ft)	10	10	9
Min. Lot Width, Interior Lot (ft) [1]	125	N/A	Min. Fill Setback from all Lot Lines (ft)	10	10	
Min. Lot Width, Corner Lot (ft)	135	N/A	Max. Building Height (ft)	35	35	10
Max. Lot Depth	N/A [2]	N/A	Min. Wetland/Riparian Buffer (ft) [5]	30	30	11
Max. Lot Coverage (%)	30 [3]	30	Min. Spacing Between Principal Buildings (ft)	10	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

[6] Applied to minor subdivisions and existing lot development

[7] Maximum gross density is limited by Land Use Plan transects and sub-areas

**Item 3:** That Chapter 6, Section 6.2.1. Street Standards is amended by deleting the following strikethrough language, adding the underlined language, and replacing the images as follows:

### 6.2.1. Street Standards

#### A. Applicability

Unless exempted in accordance with Section 6.2.1.B, Exemptions, the street standards shall apply to all streets ~~serving three or more lots.~~

## **B. Exemptions**

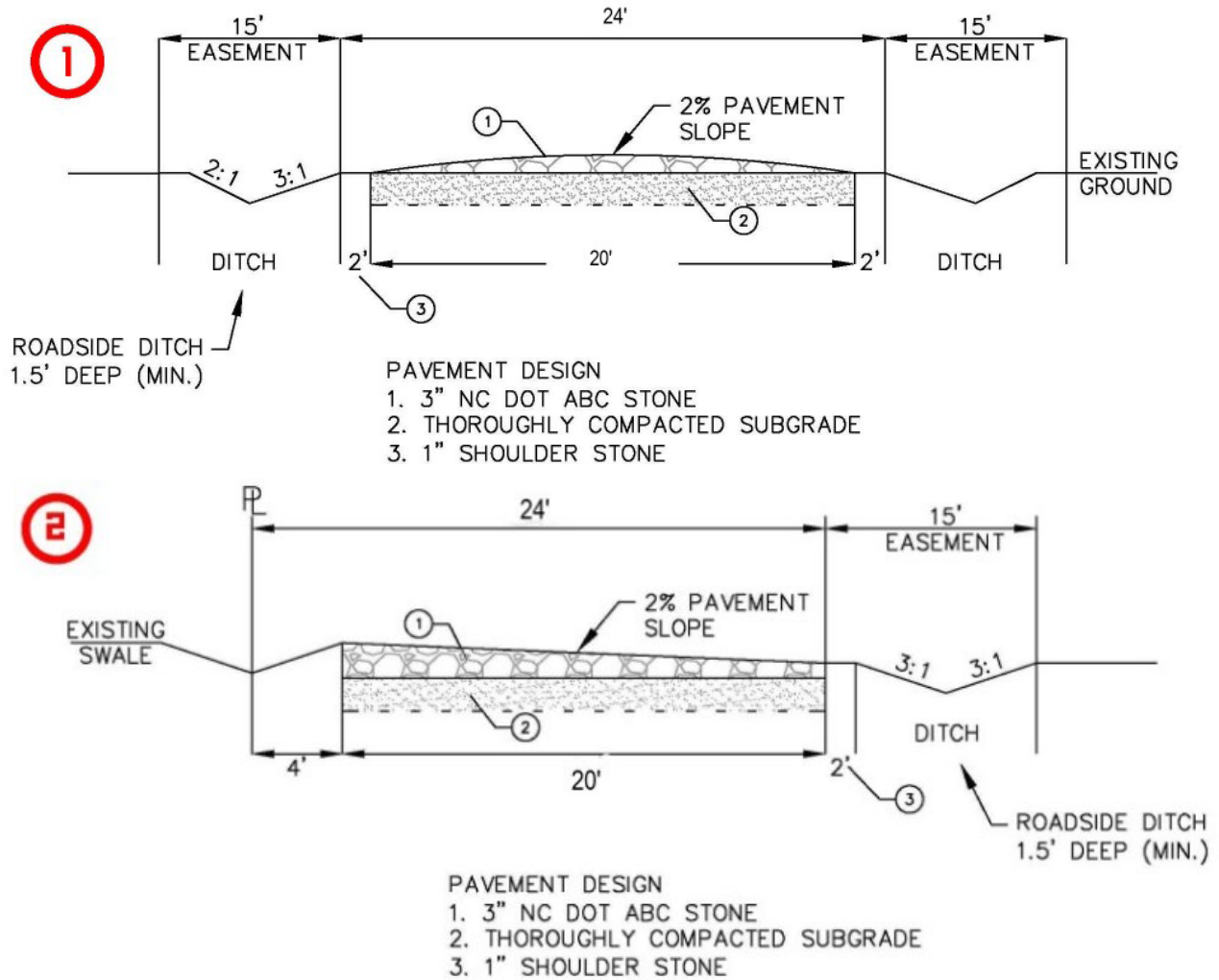
### **(I) Private Access Streets**

- (a)** A street within a family subdivision or serving a subdivision of ~~two~~ five or fewer lots ~~is~~ are exempted from the standards in this section, provided ~~they are~~ it is configured in accordance with Figure 6.2.I.B, Private Access Street Standards, and Section 6.2.I.C.4, Connection with State Streets, and Section 6.2.I.E., Minimum Street Width.
- (b)** Except for family subdivisions, a maximum of one ~~One~~ private access street is allowed per parent parcel as it existed on April 2, 1989.
- (c)** All subdivision plats served by private access streets shall bear the following notation:

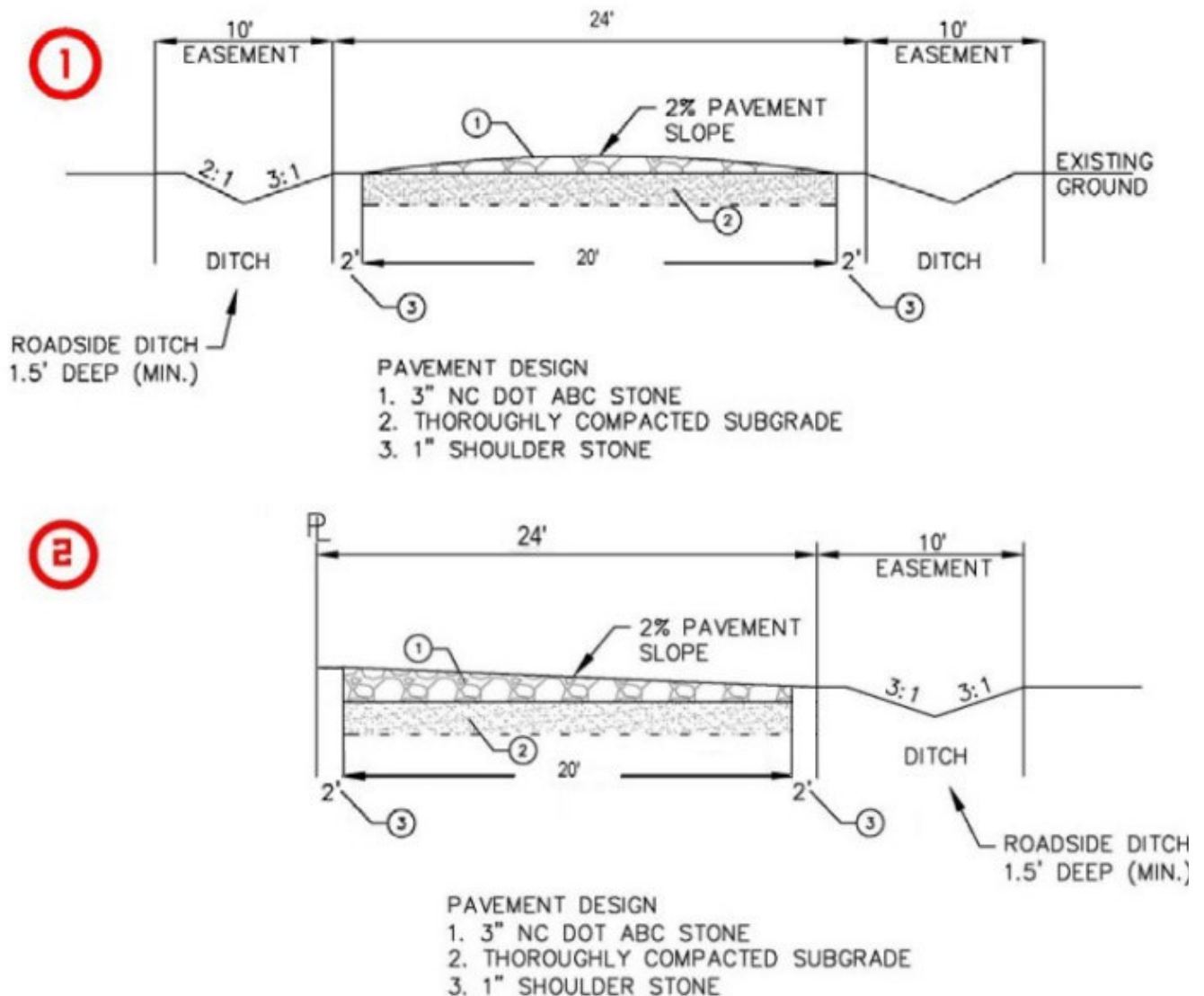
“Private access streets do not meet the NCDOT’s minimum standards for the assumption of maintenance. Currituck County does not construct or maintain streets. Further subdivision of any lot shown on this plat may be prohibited by the Currituck County UDO unless the private access street is improved consistent with minimum NCDOT standards.”

**Figure 6.2.1.B: Private Access Street Standards**

Delete this image:



Insert this image:



Private access streets created or improved shall provide adjacent swales or ditches to capture run-off from the street. Existing swales or ditches may be used to capture run-off if the owner demonstrates the legal authority to drain to the existing swale or ditch. Figure 6.2.1.B: Private Access Street Standards provides construction standards for private access streets.

#### **E. Minimum Street Width**

All streets in a subdivision subject to these standards shall comply with the minimum street width standards in Table 6.2.1.D, Minimum Street Width Standards.

**TABLE 6.2.1.D: MINIMUM STREET WIDTH STANDARDS**

Subdivision Type	Minimum Right of Way Width (feet)	Local Street		Collector Street		NCDOT Design Standards Applicable?	NCDOT Construction Standards Applicable?
		Minimum Pavement Width (feet)	Minimum Shoulder Width (feet)	Minimum Pavement Width (feet)	Minimum Shoulder Width (feet)		
Minor and Family Subdivision	24	20	2	N/A	N/A	No	No
Residential Subdivision	50	See NCDOT <i>Subdivision Roads Minimum Construction Standards Manual</i>				Yes	Yes
Nonresidential Subdivision						Yes	Yes
Conservation Subdivision	50	20 [1]	N/A	20	N/A	No	Yes
Planned Unit and Planned Development [2]	30	20 [1]	N/A	20	N/A	No	Yes

**NOTES:**

[1] See Section 6.2.1.G for one-way street pavement width requirements.

[2] Streets in Planned Developments shall be installed in accordance with the approved master plan and the requirements of this section.

**Item 4:** That Chapter 6, Section 6.2.3. Utility Standards is amended by deleting the following strikethrough language and adding the underlined language:

#### **D. Water Supply Standards**

##### **(I) Water Supply System Required**

- (a)** Every principal use and every buildable lot in a subdivision shall be serviced by a means of water supply that is adequate to accommodate the reasonable needs of such use or lot and that complies with all applicable health regulations.
- (b)** All buildable lots within a planned unit development, planned development, or multi-family development shall be connected and serviced by the county water supply system.
- (c)** Except for minor subdivisions, family subdivisions, lots in the Fruitville and Moyock-Gibbs Woods Townships, and lots located in the Agriculture (AG) zoning district, all new subdivisions and nonresidential development shall be connected and serviced by the county water supply.
- (d)** All new major subdivisions located in the AG zoning district shall be connected and serviced by the county water system if the distance between the closest existing county water main and the proposed development is within the following formula distance: 100 feet for each



of the first ten units plus 20 feet for each additional unit. In determining the number of units proposed in a phased development, the number of units for water services relates to the total number of proposed units for the entire tract rather than a single phase of the proposed development.

*Example: a proposed subdivision with 30 single-family dwelling units located 1,400 feet or less from an existing water main shall connect (10 units x 100) + (20 units x 20).*

Where the distance to the closest existing county water main exceeds the formula above, the developer shall meet the minimum dimensional standards in Chapter 3 for lots not served by the county water supply system located in the AG zoning district.

**Item 5:** That Chapter 10, Section 10.3.4. is amended by deleting the following strikethrough language and renumbering accordingly:

## **B. General Lot Requirements**

### **(1) Conservation Subdivision Lots**

Lots within a conservation subdivision shall meet the minimum dimensional requirements for the zoning district where located, and the conservation subdivision, as a whole, shall comply with the requirements in Section 6.4, Conservation Subdivision.

### **(2) Corner and Double Frontage Lots**

Corner lots in residential districts and all double frontage lots located shall include a five-foot-wide non-ingress/egress easement along the lot line bordering the more heavily-travelled street. The purpose for this easement is to ensure that the driveway serving the development obtains access from the less-travelled street.

### **(3) Cul-de-Sac Lots**

Cul-de-sac lots shall:

- (a)** Maintain a minimum lot frontage width of 35 feet; and
- (b)** Maintain at least 80 percent of the required lot width for the district where located within 80 feet of the cul-de-sac pavement edge.

### **(4) Family Subdivision Lots**

- (a)** Family subdivision lots shall maintain a minimum lot area of 40,000 square feet, regardless of the minimum requirements for the zoning district (except in the SFR district, where district requirements apply).
- (b)** Family subdivision lots are not required to front onto a public or private street. Easements created shall be improved to meet the construction standards of Figure 6.2.1.B. Private Access Streets Standards.

### **(5) Flag Lots**

- (a)** Flag lots are prohibited in cases where they would result in an increased number of lots accessing collector or arterial streets.
- (b)** In no instance shall more than five percent of the lots in a new subdivision be configured as flag lots.

### **(6) Lot Access**

- (a) All lots must abut a public or private right-of-way as permitted in these regulations unless the parent parcel has been planned for development in which the resulting lots are provided direct access to a public or private right-of-way across common property perpetually maintained for such purposes. Examples include townhome, condominium, or multi-family developments, and office park and shopping center developments.
- (b) All lots must maintain at least 20 feet for ingress/egress of emergency service vehicles.
- (c) Lots on islands accessible only by boat are exempt from (a) and (b) above.

**Item 6:** That Chapter 10, Section 10.5 Definitions is amended by adding the underlined language:

## **EASEMENT**

A grant by a landowner to another landowner or to the public, for the right to occupy or use designated land for specific purposes, such as access, drainage, conservation, the location of public improvements, or other specified purpose. An easement does not constitute fee simple ownership of the land.

## **RIGHT OF WAY**

An area of land not on a lot (or part of a minimum lot area) that is dedicated for public or private use to accommodate a transportation system and necessary public or private utility infrastructure (including but not limited to roads, water lines, sewer lines, power lines, and gas lines.) In no case shall a right-of-way be construed to mean an easement. For a subdivision subject to county review, the area of land shall be owned fee-simple and of a sufficient width to meet the requirements of this Ordinance.

## **STREET, PRIVATE ACCESS**

A street subject to the requirements of Section 6.2.1.B.1, Private Access Streets, that serves a family subdivision or a maximum of ~~two~~ five lots.

## **SUBDIVISION, MAJOR**

Any subdivision that does not constitute a no-review, minor, or family subdivision. ~~includes public or private streets, creates six or more lots, or both, and is subject to the improvement standards in this Ordinance.~~

## **SUBDIVISION, MINOR**

The division of land into three five or fewer lots (including the residual parcel or tract of less than ten acres in area), that does not constitute a no review subdivision, ~~and does not require significant infrastructure improvement. For the purpose of this section, significant infrastructure includes, but is not limited to: a road installed to NCDOT standards, fire hydrant, and/or a fire pond.~~

*Alternative Language to allow a maximum of one flag lot per parent parcel as part of a minor subdivision.*

**Item 7:** That Chapter 10, Section 10.3.3. is amended by deleting the following strikethrough language, adding the underlined language and renumbering accordingly:

## **B. General Lot Requirements**

### **(5) Flag Lots**

- (a)** Except as allowed for minor subdivisions, flag lots are prohibited in cases where they would result in an increased number of lots accessing collector or arterial streets.
- (b)** Except as allowed for minor subdivisions, in no instance shall more than five percent of the lots in a new subdivision be configured as flag lots.
- (c)** A maximum of one flag lot per parent parcel may be permitted as part of a minor subdivision.

### **(8) Lot Types (see Figure 10.3.3.A.7, Lot Types)**

#### **(f) Flag Lot**

An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm. A lot that does not abut or front a street where access is obtained by a narrow private right-of-way.

**Item 8:** That Chapter 10, Section 10.5 Definitions is amended by adding the underlined language:

#### **LOT, FLAG**

An irregularly shaped lot where the buildable portion of the lot is connected to its street frontage by an arm. The arm portion of the lot is not counted in determining minimum lot area. Further, in cases where a minimum lot width is prescribed, the arm width may be less than the minimum required lot width, but the lot shall maintain at least 20' of lot frontage.

**Item 9:** Staff suggested Statement of Consistency:

[STATEMENT OF CONSISTENCY TO BE ADDED FOLLOWING BOARD ACTION]

**Item 10:** The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of North Carolina by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

**Item 11:** This ordinance amendment shall be in effect from and after the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Board of Commissioners' Chairman  
Attest:

\_\_\_\_\_  
Leeann Walton  
Clerk to the Board

DATE ADOPTED: \_\_\_\_\_  
MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_  
SECONDED BY COMMISSIONER: \_\_\_\_\_  
VOTE: \_\_\_\_\_AYES \_\_\_\_\_NAYS \_\_\_\_\_  
.....

PLANNING BOARD DATE: \_\_\_\_\_  
PLANNING BOARD RECOMMENDATION: \_\_\_\_\_  
VOTE: \_\_\_\_\_AYES \_\_\_\_\_NAYS \_\_\_\_\_  
ADVERTISEMENT DATE OF PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS PUBLIC HEARING: \_\_\_\_\_  
BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_  
POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_  
AMENDMENT NUMBER: \_\_\_\_\_



## Text Amendment Application

### Contact Information

#### APPLICANT:

Name: Currituck County Board of Commissioners

Address: 153 Courthouse Road, Suite 206  
Currituck, NC 27929

Telephone: (252) 232-2075

E-Mail Address: leeann.walton@currituckcountync.gov

### Request

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

Amend Chapter(s) 2, 3, 6, & 10 Section(s) See below as follows:

Amend the Unified Development Ordinance, Sections 2.4.8. Subdivision, 3.3.3. Agriculture District, 6.2.3.

Utility Standards and 10.3.3. Lots, to allow 40,000 square foot minor subdivision lots in the Agriculture (AG) District  
and allow minor subdivisions in the Single-Family Residential-Mainland (SFM) District without water connection.

Allow minor subdivision lots to be created on NCDOT-maintained public streets  
with no private access street requirement and remove the requirement that existing driveways be removed  
if not converted into the private access street to service resultant parcels.

Clarify that minor subdivisions are limited to a maximum of 2 lots and family subdivisions are a type of  
subdivision that allows up to five lots subject to family subdivision rules.

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

*Leeann Walton*  
Petitioner

3.17.2025  
Date