



## Currituck County

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To: Board of Commissioners

From: Planning Staff

Date: January 30, 2023

Subject: PB 22-20 Currituck County Text Amendment - MXR

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### Background

The attached text amendment was submitted by the Currituck County Development Services Department, at the direction of the Board of Commissioners (BOC). At the BOC fall mini retreat on October 11, 2022, planning staff discussed with the board potential changes to the Mixed Residential (MXR) zoning district to align the district purpose and uses with the Unified Development Ordinance (UDO).

On January 18, 2022, the Board of Commissioners approved a text amendment submitted by W&J Development, LLC (PB 21-24). The approved text amendment increased the dimensional standards for nonresidential buildings located on a major arterial road and allowed additional commercial uses in the MXR district.

### Request Summary

The proposed text amendment modifies the Mixed Residential (MXR) zoning district purpose and addresses the land use transitions with the General Business (GB) zoning district. Specifically, the proposed language, if approved, modifies the district purpose statement as it relates to the intensity of nonresidential uses and would require the larger neighborhood serving nonresidential uses to be located in the full-service land use designation. The MXR district is a transitional residential district that typically would be located between residential districts and more intense commercial zoning. The request also removes shopping center uses from the MXR district.

### 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.

### **Imagine Currituck 2040 Vision Plan**

The Imagine Currituck 2040 Vision Plan does not provide detailed policies for a particular size or type of uses for the MXR district. The plan does provide transect methodology for the future land use map and profiles, goals, policies, and action statements that are pertinent to land use intensification and neighborhood serving commercial uses. The following elements of Imagine Currituck are considered relevant to the request:

#### **Transect Profiles**

The transect methodology divides land within the county into six separate sectors (O-1, O-2, G-1, G-2, G-3, and G-4). This form of mapping and classification is known as transect mapping and is based on the history of human settlement patterns. The transect profiles provide a framework for balancing conservation and development intensity in each sector.

**G-1: Low Density Growth:** Encourage neighborhood commercial to locate near road intersections and existing compatible uses and community facilities.

**G-2: Controlled Growth:** Neighborhood office and commercial mixed use including beach tourism supporting businesses. Encourage neighborhood serving commercial to locate near road intersections, neighborhood serving facilities such as schools and parks and existing compatible commercial uses.

**G-3: Mixed Use Centers and Corridors:** The G-3 classification is supported by major transportation networks, public water and wastewater infrastructure, and a community greenway system that links neighborhoods to mixed use areas.

**CC-ACT-44:** Encourage neighborhood commercial to locate near road intersections, neighborhood serving facilities such as schools and parks, and existing compatible commercial uses. (Transect G-2)

**Land Use Goal 2.** Carefully consider the design and location of intensive and potentially incompatible land uses to mitigate compatibility issues such as environmental quality, safety, overburdening local infrastructure, scale, use, design, location, and adverse effects.

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

### **Staff Recommendation**

Planning staff recommends approval of the proposed text amendment as submitted because the amendment is:

- Consistent with Imagine Currituck 2040 Vision Plan transect profiles, CC-ACT-44, Land Use Goal 2, and Land Use Policy 2.2;
- the amendment aligns nonresidential intensities between zoning districts; and,
- Is consistent with the purpose and intent of the zoning districts in the UDO and will result in a logical and orderly development pattern.

**Planning Board Recommendation**

On January 10, 2023, the Planning Board recommended approval of the proposed text amendment.

Mr. Doll moved to recommend approval of PB 22-20 Currituck County because the request is consistent with Imagine Currituck 2040 Vision Plan including transect profiles, CC-ACT-44, Land Use Goal 2., and Land Use Policy 2.2.

Vice-Chairman Owens seconded the motion, and the motion was unanimously approved 5-0.



# PB 22-20 CURRITUCK COUNTY TEXT AMENDMENT - MXR PLANNING BOARD JANUARY 10, 2023

Amendment to the Unified Development Ordinance, Chapter 3. Zoning Districts and Chapter 4. Use Standards to modify the allowable uses and building size in the MXR (Mixed Residential) zoning district.

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 3, Section 3.4.6., Mixed Residential (MXR) District is amended by removing the strikethrough language and adding the underlined language:

## 3.4.6 Mixed Residential (MXR) District

<div>MXR</div> <div>MIXED RESIDENTIAL</div>	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 <del>very</del> 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.
	C. LOT PATTERNS
B. TYPICAL BUILDING FORMS	



## D. DIMENSIONAL STANDARDS

CD=COTTAGE DEVELOPMENT

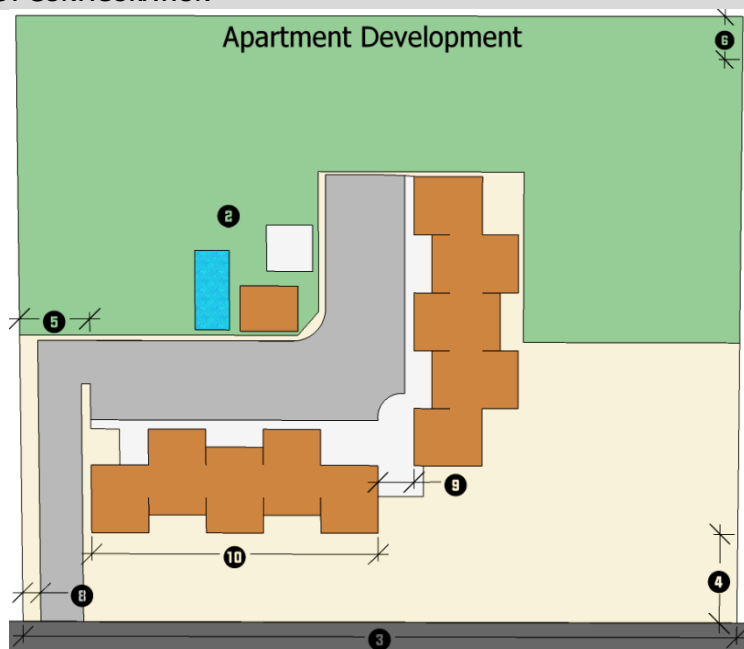
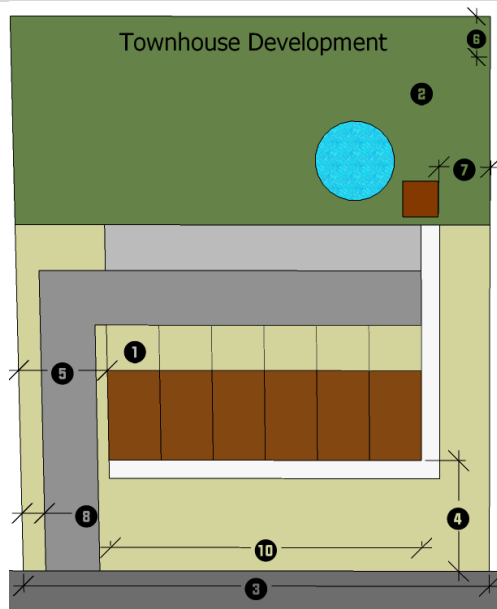
	Residential Single-Family Detached	Multi-Family CD	Other	Nonresidential	
Max. Gross Density, Full Service Area (du/ac)	2.0	3.0	3.0	2.0	
Max. Gross Density, Limited Service Area (du/ac)	1.0	1.5	1.5	1.0	
Max. FAR (%)	N/A	N/A	N/A	0.40[7]	
Min. Lot Area/Dwelling Unit (sq ft) [1]	15,000	N/A	N/A	20,000	1
Min. 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]	0

- [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 unless the site fronts on a major arterial, in which case the maximum building size will be 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.

**Item 2:** That Chapter 4, Table 4.1.1.A., Summary Use Table is amended by removing the strikethrough 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	CC	VC	LI	HI	
		COMMERCIAL USE CLASSIFICATION													
Eating Establishments	Dinner theater								Z	Z	Z	Z			
	Restaurant, with indoor or outdoor seating							Z*	Z	Z	Z	Z	Z		4.C
	Specialty eating establishment							Z	Z	Z	Z	Z	Z		
Retail Sales & Services	Grocery store							Z*	Z		Z				
	Retail sales establishments							Z*	Z	Z	Z	Z			
	Shopping center							Z*	U		Z	Z			4.G4

\*Uses shown with an asterisk apply to sites that front on a major arterial

### Item 3: Statement of Consistency

The proposed language is consistent with the goals, objectives, policies, and action statements of the Imagine Currituck 2040 Vision Plan including:

#### Transect Profiles

**G-1: Low Density Growth:** Encourage neighborhood commercial to locate near road intersections and existing compatible uses and community facilities.

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**Land Use Goal 2.** Carefully consider the design and location of intensive and potentially incompatible land uses to mitigate compatibility issues such as environmental quality, safety, overburdening local infrastructure, scale, use, design, location, and adverse effects.

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

The amendment aligns the nonresidential intensities between zoning districts and, is consistent with the purpose and intent of the zoning districts in the UDO and will result in a logical and orderly development pattern.

**Item 4:** 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 5:** This ordinance amendment shall be in effect from and after the \_\_\_\_ day of \_\_\_\_\_, 2023.

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

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

DATE ADOPTED: \_\_\_\_\_  
MOTION TO ADOPT BY COMMISSIONER: \_\_\_\_\_  
SECONDED BY COMMISSIONER: \_\_\_\_\_  
VOTE: \_\_\_\_AYES \_\_\_\_NAYS  
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PLANNING BOARD DATE: 1/10/2023  
PLANNING BOARD RECOMMENDATION: Approved  
VOTE: 5 AYES 0 NAYS  
ADVERTISEMENT DATE OF PUBLIC HEARING: 1/18/2023 & 1/25/2023  
BOARD OF COMMISSIONERS PUBLIC HEARING: 2/6/2023  
BOARD OF COMMISSIONERS ACTION: \_\_\_\_\_

POSTED IN UNIFIED DEVELOPMENT ORDINANCE: \_\_\_\_\_  
AMENDMENT NUMBER: \_\_\_\_\_