



**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

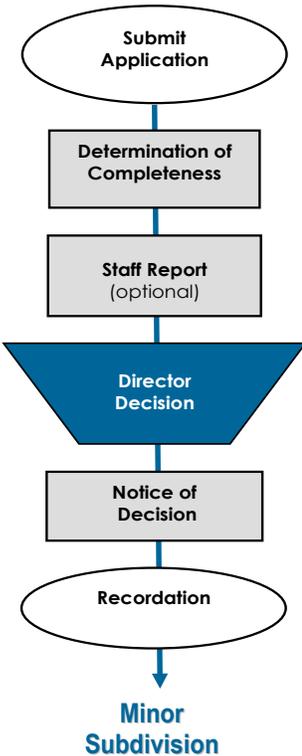
A minor subdivision shall be approved on a finding that:

- (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 conveyed ~~solely~~ 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



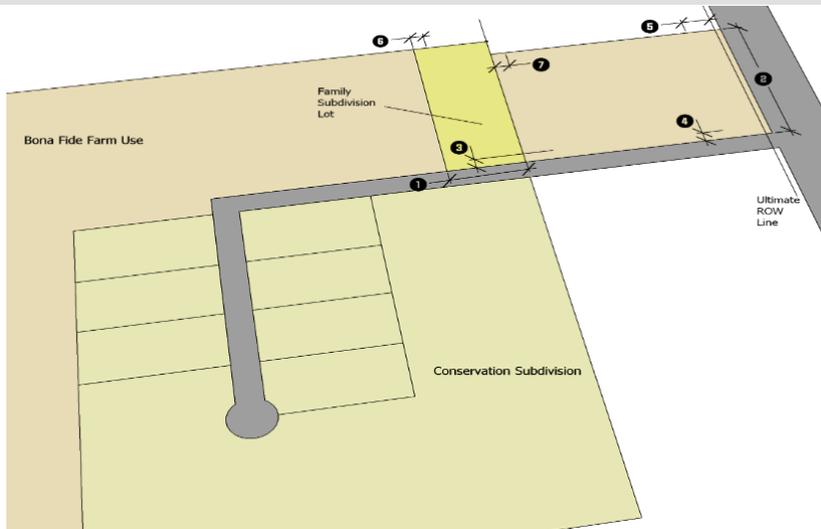
A. DISTRICT PURPOSE

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

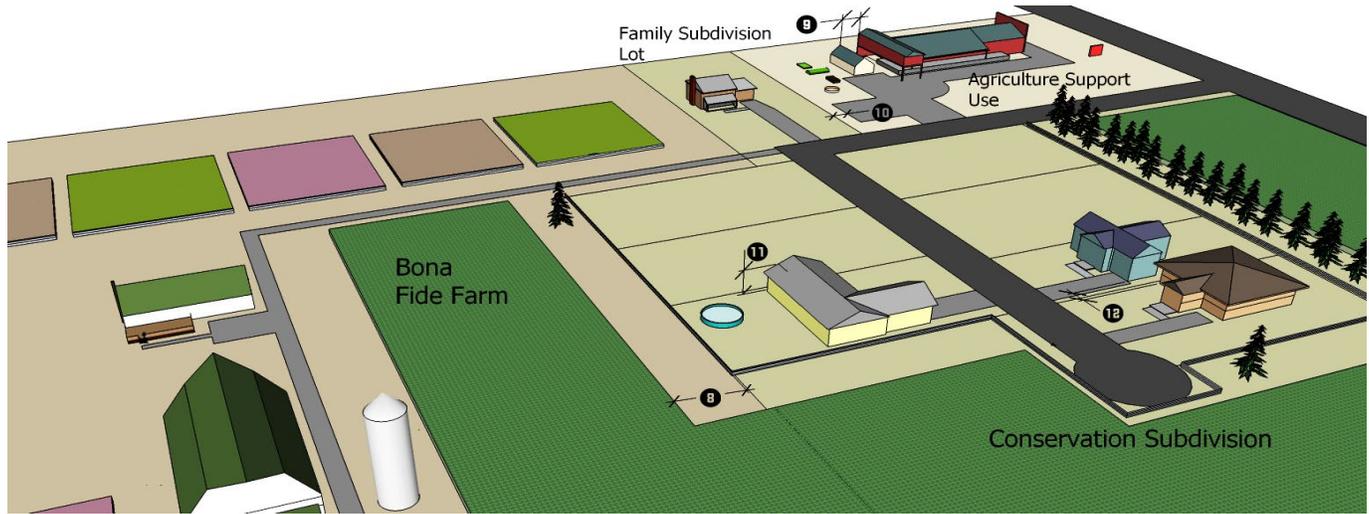


All major subdivisions shall be designed in accordance with the conservation subdivision standards in Section 6.4.

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	1	Min. Wetland/Riparian Buffer (ft) [5]	30	30
Min. Lot Width, Corner Lot (ft)	135	N/A	2	Max. Building Height (ft) [6]	35	35
Max. Lot Depth	N/A [3]	N/A		Min. Spacing Between Principal Buildings (ft)	10	10

[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



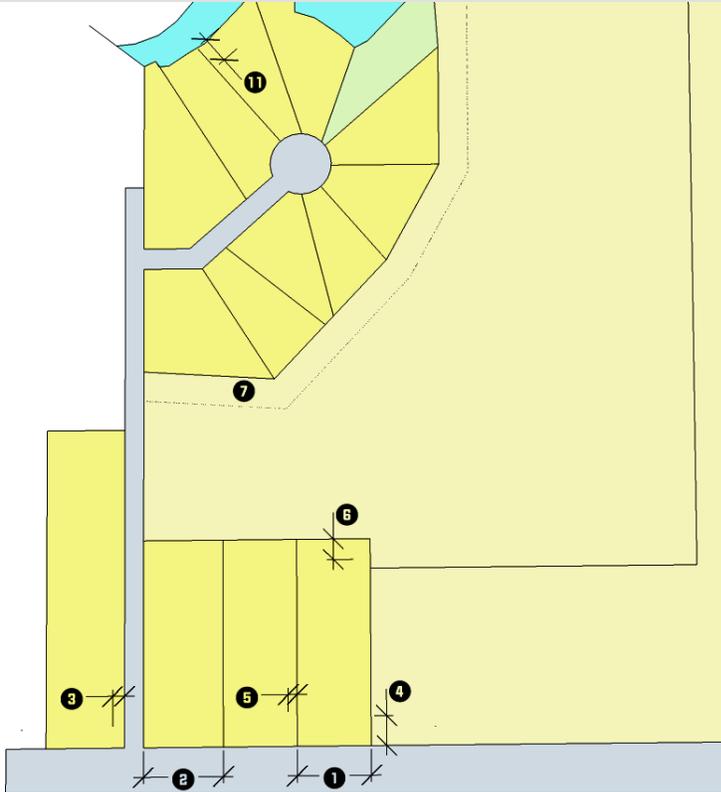
A. DISTRICT PURPOSE

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



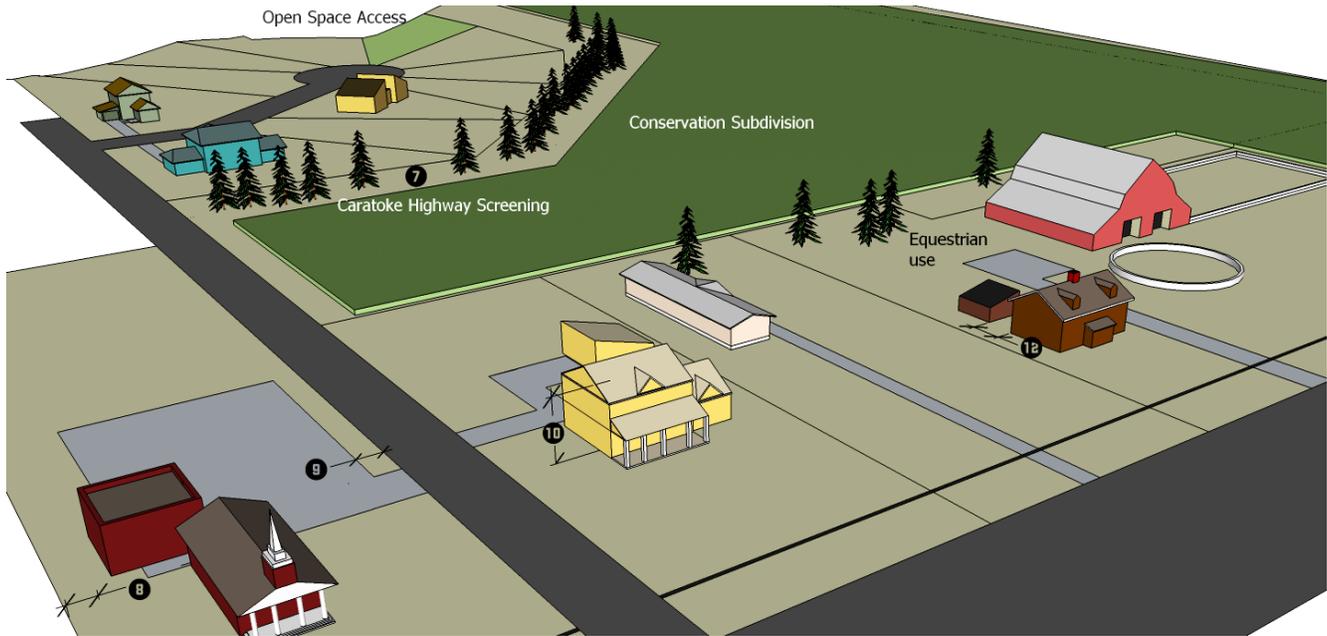
Development established after January 1, 2013 that fronts or is within 1,000 feet of a major arterial street shall provide streetscape landscaping in accordance with Section 5.2.8.

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	<u>N/A</u> [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 ~~servicing three or more lots.~~

B. Exemptions

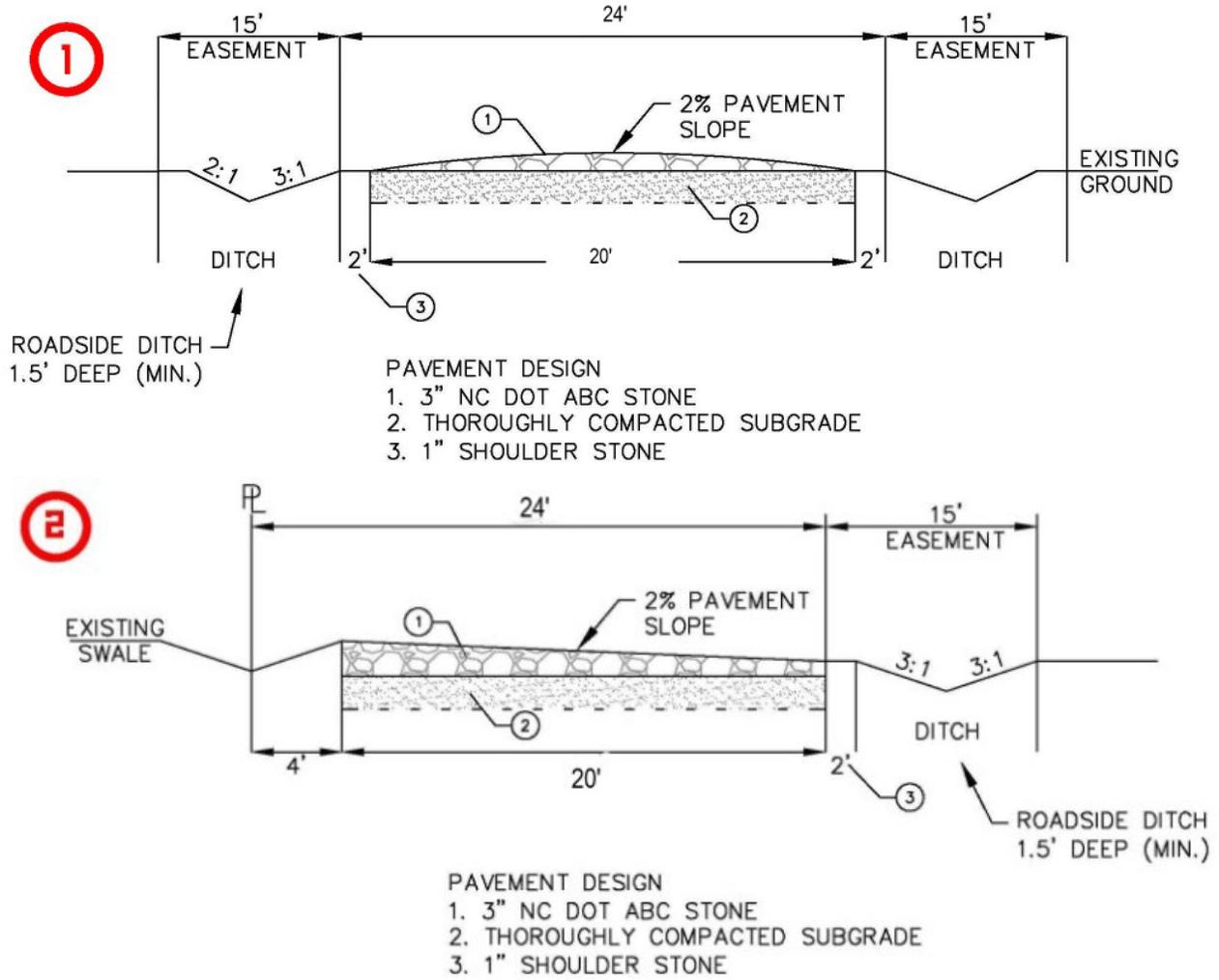
(I) Private Access Streets

- (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 6.2.1.B, Private Access Street Standards, ~~and~~ Section 6.2.1.C.4, Connection with State Streets, ~~and~~ Section 6.2.1.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:

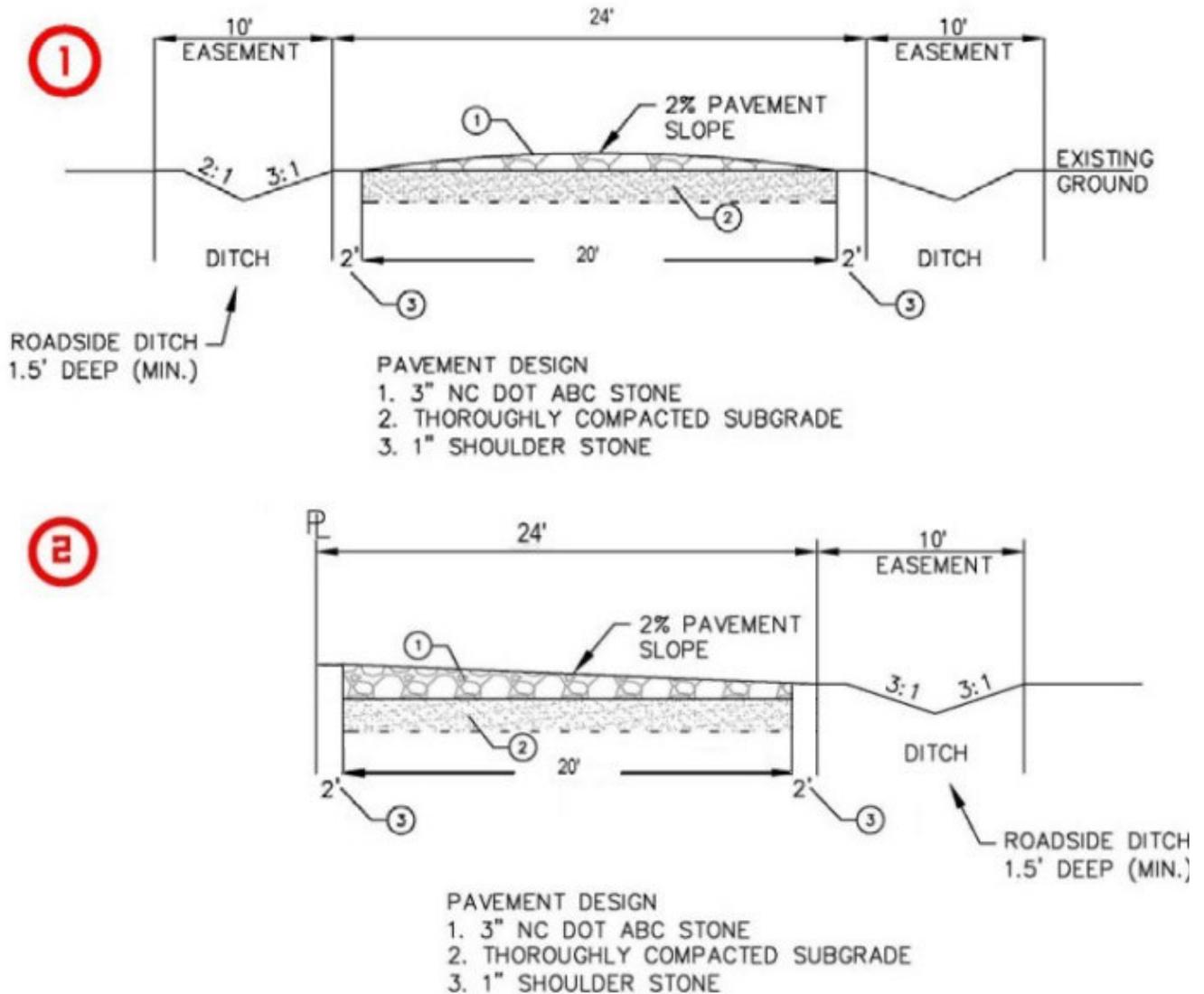
“Private access streets do not meet the NCDOT’s minimum standards for the assumption of maintenance. Currituck County does not construct or maintain streets. Further subdivision of any lot shown on this plat may be prohibited by the Currituck County UDO unless the private access street is improved consistent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