

SECTION 22-27.3 - SED - 1 SPECIAL ENVIRONMENTAL DISTRICT

(H) ZONING AMENDMENT - BUXTON WOODS

This zoning amendment was adopted by the Dare County Board of Commissioners on September 19, 1988.

All land located between the center line of the intersection of NC 12 and Billy Mitchell Airport Road, and the center line of the intersection of NC 12 and Cape Hatteras Lighthouse Road, for a distance of ½ mile north (meg. 1988) from an SED-1 District shall be subject to the following additional requirements:

Dwelling density within the zone of influence of the SED Ordinance: No multi-family development, townhouses, or condominium project located within ½ mile of any SED-1 zoning district shall exceed a dwelling density of ~~three~~ **four** single family units (whether contained under one or more roofs) per acre or usable land area. Usable land shall be that land defined as "suitable" for septic tank/nitrification field wastewater disposal by the U.S. Department of Agriculture/Soil Conservation Service Soil Survey for Dare County and the Dare County Board of Health.

Vegetation Removal: All subdivision, and all development projects within ½ mile of an SED-1 zoning district which are subject to site plan review, shall conform to the land clearing provisions of the SED Zoning District, Section [22-27.3](#) (e) (1) - Site Alteration.

(Am. Ord. passed 8-4-2025)

SECTION 22-26 - C-3 COMMERCIAL DISTRICT

(d) Dimensional requirements:

(1) Minimum lot size: Commercial lots shall be of sufficient size to meet requirements of the County Health Department, to provide adequate siting for structures and to provide parking, loading and maneuvering space for vehicles as required by Article VII of this chapter. In addition, a visual buffer is required where a commercial use or zone abuts a residential use or zone.

(2) Minimum front yard: 15-feet.

(3) Minimum side yard: 10-feet; no side yards required if commercial building constructed with a common wall. An additional 5-foot yard adjacent to the street is required for a corner lot.

(4) Minimum rear yard: 20-feet.

(5) Maximum allowable lot coverage by principal use and all accessory structures: 60%.

(6) Height limitation: 35 feet. (11-20-75, art. 7, 7.11, 2-6-78, 2, 3, 6.)

(7) Maximum gross building size: 20,000 square feet excluding decks, porches and similar non-heated space. Non-heated space including decks and porches shall not be used as retail space for the display of goods, or other commercial activities.

Group developments with a maximum area of 20,000 square feet per individual building, excluding decks and porches.

This gross building size limitation shall not apply to hotels and/or motels. (Adopted by the Dare County Board of Commissioners on May 6, 2002)

(8) In the event a natural disaster or accidental occurrence leads to extensive damage (in excess of 50% value) of a structure or group development project in existence prior to May 6, 2002, such structure or group development may be repaired, replaced or reconstructed to 100% of its status prior to damage or destruction but no greater unless otherwise authorized by the Dare County Board of Commissioners. (Adopted 2-19-07)

(9) Properties located in the SED-1 Zone of Influence shall be subject to the provisions of Section 22-27.3(H).

(Am. Ord. passed 9-16-2019; Am. Ord. passed 6-21-2021; Am. Ord. passed 9-20-2021; Am. Ord. passed 8-4-2025)

SECTION 22-25 - C-2 GENERAL COMMERCIAL DISTRICT

(d) Dimensional requirements.

1. Minimum lot size: Commercial lots shall be of sufficient size to meet the requirements of the County Health Department, to provide adequate siting for structures and to provide parking, loading and maneuvering space for vehicles as required by Article VII of this chapter. In addition, a visual buffer is required where a commercial use or zone abuts a residential use or zone.

2. Minimum front yard: 15 feet.

3. Minimum side yard: 10 feet. No side yard required if commercial building constructed with a common wall. An additional 5-foot yard adjacent to the street is required for a corner lot.

4. Minimum rear yard: 20 feet.

5. Maximum allowable lot coverage by principal use and all accessory structures: 60%.

6. Height limitation: 35 feet.

7. No building or other facility, such as parking areas, incinerators, trash collection areas, etc., shall be located nearer than 50 feet to boundaries of RS-1 districts. The width of a road and its right-of-way along such boundary may be included as part of all of the 50 foot separation zone. (11-20-75) art. 7, 7.10, 2-6-78, 3.)

8. Maximum gross building size: 20,000 square feet excluding decks, porches, and similar non-heated space. Non-heated space including decks and porches shall not be used as retail space, for the display of goods, or other commercial activities.

Group developments with a maximum area of 20,000 square feet per individual building, excluding decks and porches. This gross building size limitation shall not apply to hotels and/or motels. (Adopted by the DCBC on May 6, 2002)

9. In the event a natural disaster or accidental occurrence leads to extensive damage (in excess of 50% value) of a structure or group development project in existence prior to May 6, 2002, such structure or group development may be repaired, replaced or reconstructed to 100% of its status prior to damage or destruction but no greater unless otherwise authorized by the Dare County Board of Commissioners. (Adopted 2-19-07)

10. Commercial group developments constructed prior to October 20, 1992 which are served by a centralized wastewater treatment system that could not be built under the terms of this chapter by restrictions on lot coverage, height, yards, location, and off-street parking shall be allowed to continue in operation and may be redeveloped subject to the following provisions:

a. No structure which is part of the commercial group development shall be enlarged, replaced, or externally altered in a manner that increases any non-conforming aspect of the structure and/or the overall commercial group development site. However, any such structure may be externally altered or replaced if such redevelopment activity results in a decrease of its nonconforming status. Structures that are replaced and redeveloped may be used for any permitted or special use authorized in sections [22-23](#) or 22-25 of this appendix. For the purposes of this section, externally altered shall not be interpreted to prevent painting of the exterior, replacement of exterior materials, or other cosmetic changes or maintenance of the structure or portions thereof. This shall not apply to interior alterations, remodeling, or other improvements made to internal portions of any structure located on the commercial group development site.

b. A decrease of 7% of the existing lot coverage shall be required for that portion of the commercial group development site or parcel on which the structure to be altered or replaced is located. If the commercial group development is located on more than one parcel, then the lot coverage decrease shall apply to that parcel only and not the overall group development site.

c. The off-street parking requirements of section [22-56](#) shall only be applied to that portion of the commercial group development site or parcel where the structure proposed for alternation or replacement is located. No other changes in the parking ratio for the remaining structures or portions of the commercial group development shall be required as a part of the redevelopment activities. Existing parking areas in the commercial group development may be connected to the parking areas or access easements in the redeveloped portions of the site.

d. Building heights for any redevelopment activities in any existing commercial group development shall be according to section [22-27.4](#) Height Overlay district for properties located on Hatteras Island.

e. Dwelling densities for multifamily structures located in the commercial group development shall be twenty (20) units per acre applied to the overall area of the parcel to be developed.

f. A subdivision of the land occupied by the commercial group development may be authorized by Dare County if such subdivision of land meets the required minimum lot size in effect at the time of the proposed subdivision of the commercial group development site. Redevelopment activities on any lot created by such subdivision of land shall be subject to the provisions of subsections a. - e. above. (Adopted 1-6-14; Amended 11-15-2021)

11. Properties located in the SED-1 Zone of Influence shall be subject to the provisions of Section 22-27.3(H).

(Am. Ord. passed 2-19-2019; Am. Ord. passed 9-16-2019; Am. Ord. passed 6-21-2021; Am. Ord. passed 11-15-2021; **Am. Ord. passed 8-4-2025**)

SECTION 22-27 - I-1 INDUSTRIAL DISTRICT

(d) Dimensional and development requirements.

(1) All uses within an I-1 district which are permitted uses in a C-3 commercial district shall conform to the dimensional requirements set out for the C-3 commercial district.

(2) Except as set out above, permitted uses within an I-1 district shall be required to meet the following standards:

a. No portion of a building or open storage or processing area shall be closer than 75 feet to a residential district boundary.

b. Individual lot sizes for a permitted industrial district use shall not be less than one acre.

c. Any unstabilized soil exposed during construction shall be stabilized with vegetative cover to prevent erosion by wind or surface water.

d. No use shall be permitted in an I-1 district which has noxious, harmful or deleterious effect on other development.

e. No more than 35% of an individual lot may be covered with buildings, parking areas or other surfaces impervious to water.

f. The off-street parking requirements of Article VII of this chapter shall apply; except, that no off-street parking or loading space shall be located closer than 50 feet to a residential district boundary or use. (11-20-75, art. 7, 7.12)

(3) Maximum gross building size: 20,000 square feet excluding decks, porches, and similar non-heated space. Non-heated space including decks and porches shall not be used as retail space, for the display of goods, or other commercial activities.

Group developments with a maximum area of 20,000 square feet per individual building, excluding decks and porches.

This gross building size limitation shall not apply to hotels and/or motels. (Adopted by the Dare County Board of Commissioners on May 6, 2002)

(4) In the event a natural disaster or accidental occurrence leads to extensive damage (in excess of 50% value) of a structure or group development project in existence prior to May 6, 2002, such structure or group development may be repaired, replaced or reconstructed to 100% of its status prior to damage or destruction but no greater unless otherwise authorized by the Dare County Board of Commissioners. (Adopted 2-19-07)

(5) Properties located in the SED-1 Zone of Influence shall be subject to the provisions of Section 22-27.3(H).

(Am. Ord. passed 9-16-2019; Am. Ord. passed 6-21-2021; **Am. Ord. passed 8-4-2025**)

SECTION 22-27.1 - S-1 SPECIAL DISTRICT

(H) Properties located in the SED-1 Zone of Influence shall be subject to the provisions of Section 22-27.3(H).

(Am. Ord. passed 9-16-2019; Am. Ord. passed 6-21-2021; **Am. Ord. passed 8-4-2025**)

SECTION 22-21 - R-1 LOW DENSITY RESIDENTIAL DISTRICT

(d) Dimensional requirements.

(1) Minimum lot size.

a. Single-family lots served by a private well and an on-site septic tank/drain field system: 20,000 square feet of area.

Single-family lots served by a central water supply and an on-site septic tank/drain field system: 15,000 square feet of area.

Single-family lots served by a central water supply and a central wastewater disposal system: 15,000 square feet of area. (Amended 9-19-94)

(2) Minimum lot width: 75 feet, measured at the building setback line.

(3) Minimum front yard: 25 feet.

- (4) Minimum side yard: 10 feet. An additional 10-foot side yard adjacent to the street is required for a corner lot.
- (5) Minimum rear yard: 25 feet.
- (6) Maximum allowable lot coverage by principal use and all accessory structures: 30%.
- (7) Height limitation: 35 feet. (11-20-75, art. 7, 7.06)
- (8) Height limitation for R-1 on Hatteras Island:
 - (a) Lots 7,499 square feet or less in area – building height shall be limited to a total of 35 feet measured as an average of the peak of the roof.
 - (b) Lots 7,500 square feet to 14, 999 square feet in area – building height shall be limited to 35 feet to the top plat of the ceiling of the highest habitable floor for a total building height of 42 feet, measured as an average of the peak of the roof.
 - (c) Lots 15,000 square feet or greater in area – building height shall be limited to 35 feet for the highest horizontal structural member of the highest habitable floor, plus 10 feet for interior walls or a top plat level of 45 feet, plus 7 additional feet for attic space and roof line design, for a total building height of 52 feet, measured at the peak of the roof. (Adopted on 11-16-92)
- (9) Height limitations for university campuses:
 - (a) Maximum building height shall be limited to 70 feet.
 - (b) An additional 2 feet of setback per foot of building height over 35 feet shall be established to any property line for structures exceeding 35 feet in height. (Adopted 2-1-10)
- (10) Properties located in the SED-1 Zone of Influence shall be subject to the provisions of Section 22-27.3(H).

(Am. Ord. passed 9-16-2019; Am. Ord. passed 6-21-2021; Am. Ord. passed 4-20-2022; Am. Ord. passed 5-17-2023; Am. Ord. passed 8-4-2025)

SECTION 22-22.1 - R2-A ALTERNATIVE MEDIUM DENSITY RESIDENTIAL DISTRICT

(d) Dimensional requirements:

(1) Minimum lot size:

a. Single-family lots served by a private well and an on-site septic tank/drain field system: 20,000 square feet of area.

Single-family lots served by a central water supply and an on-site septic tank/drain field system: 15,000 square feet of area.

Single-family lots served by a central water supply and a central waste-disposal system: 15,000 square feet of area. (Amended on 9-19-94)

b. Duplex lots if served by a private well regardless of wastewater disposal method: 20,000 square feet.

Duplex lots if served by central water regardless of wastewater disposal method: 15,000 square feet. (Amended 10-15-2018)

c. Resident business: 30,000 square feet of area.

(2) Minimum lot width: 75 feet, measured at the building setback line.

(3) Minimum front yard: 25 feet.

(4) Minimum side yard: 10 feet. An additional 10-foot side yard adjacent to the street is required for a corner lot.

(5) Minimum rear yard: 20 feet.

(6) Maximum allowable lot coverage by principal use and all accessory structures: 30%.

(7) Height limitation: According to standards of Section [22-27.4](#) Height Overlay District.

(8) Properties located in the SED-1 Zone of Influence shall be subject to the provisions of Section 22-27.3(H).

(Am. Ord. passed 9-16-2019; Am. Ord. passed 6-21-2021; **Am. Ord. passed 8-4-2025**)

SECTION 22-23 - R-3 HIGH-DENSITY RESIDENTIAL DISTRICT

(d) Dimensional requirements.

(1) Minimum lot size:

a. Single-family lots served by a private well and an on-site septic/tank drain field system: 20,000 square feet of area.

Single-family lots served by a central water supply and an on-site septic tank/drain field system: 15,000 square feet of area.

b. Duplex lots if served by a private well regardless of wastewater disposal method: 20,000 square feet.

Duplex lots if served by central water regardless of wastewater disposal method: 15,000 square feet. (Amended 10-15-2018)

c. Multi-family dwellings: Must be served by an approved public or community sewage disposal system. Ten (10) dwelling units per acre except a dwelling density bonus of ten (10) additional units per acre may be applied in a commercial group development existing on October 20, 1992 that is served by an approved public or

community sewage treatment and disposal system. (Amended 10-15-2018; Amended 11-15-2021)

(2) Minimum lot width: 75 feet, measured at the building setback line.

(3) Minimum front yard: 25 feet.

(4) Minimum side yard: 8 feet. An additional 8-foot side yard adjacent to the street is required for a corner lot.

(5) Minimum rear yard: 20% of lot depth, but such yard need not exceed 20 feet.

(6) Maximum allowable lot coverage by principal use and all accessory structures: 30%.

(7) Height limitation: 35 feet.

(8) Properties located in the SED-1 Zone of Influence shall be subject to the provisions of Section 22-27.3(H).

(Am. Ord. passed 9-16-2019; Am. Ord. passed 6-21-2021; Am. Ord. passed 11-15-2021; Am. Ord. passed 8-4-2025)