

Sec. 48-370. - Standards for large residential dwellings.

- (a) *Intent.* The purpose of establishing this section is to set forth a comprehensive set of regulations designed to promote and encourage the unique and historical elements of residential architecture held to be valued as an integral part of the town image, to ensure that future residential development is compatible with its natural and developed environments, and to afford the highest level of protection for both permanent residents and seasonal visitors occupying these structures in the furtherance of public safety and welfare.
- (b) *Exceptions of applicability.* All existing large residential dwelling uses which do not meet the requirements of this section shall be regulated in accordance with article IV of this chapter.
- (c) *Large residential dwellings,* as defined in section 48-7, shall be subject to the requirements set forth in subsections (d) through (g) of this section. Large residential dwellings located in an area designated as a historic district on the National Register of Historic Places shall comply with the provisions of the Nags Head Residential Design Guidelines.
- (d) *Dimensional requirements.*
 - (1) The minimum lot area for large residential dwellings shall be 16,000 square feet. The total enclosed habitable living space for large residential dwellings may only exceed 5,000 square feet when located in the SED-80 zoning district on a lot which meets the minimum lot area requirements for that district.
 - (2) For large residential dwellings that contain 4,200 square feet or less in area, the minimum width of the side yard shall be 12 feet. For large residential dwellings with greater than 4,200 square feet in area, the minimum width of the side yard shall be 14 feet. For property owners that elect to following the Nags Head Residential Design Guidelines (see Appendix A), the minimum width of the side yard may be determined using the dimensional requirements contained within articles XI or XII of this chapter applicable to the zoning district in which the dwelling is proposed.
 - (3) The maximum height for large residential dwellings shall be 35 feet. For property owners that elect to following the Nags Head Residential Design Guidelines (see Appendix A); and, when the proposed large residential dwelling utilizes an eight-twelfths roof pitch as specified in the Town of Nags Head Residential Design Guidelines, the maximum height for a large residential dwelling may be increased to 42 feet.
- (e) *Open space preservation/landscaping requirements.* All large residential dwellings shall comply with the requirements of one of the following subsections:
 - (1) The preservation of a minimum of ten percent of the lot's total area with existing natural vegetation and/or dune elevations. Areas designated for the preservation of existing vegetation shall contain significant examples of native vegetation and be identified and maintained in accordance with subsections 48-485(b)(1), (4) and (5).
 - (2) The planting of a minimum of 15 percent of the lot's total area. At minimum 50 percent of the required landscaping shall consist of locally adapted live evergreen tree species that are a minimum height of three feet and one inch in diameter measured at one-half-foot above grade

when planted. The remainder of the buffer may be live forbs and shrubs measuring at least 1-1/2 feet when planted.

The above landscaping requirements may be altered due to unique and unusual physical conditions or characteristics of the property, including the reduction of landscaping requirements for oceanfront properties and other lots containing significant dune features that will be preserved in equal proportion.

The property owner shall be responsible for maintaining the landscaped areas required by this section, including the replacement of dead and missing vegetation.

(f) *Sewage disposal.*

(1) *Reporting requirements.* For all large residential dwellings utilizing innovative septic systems, the owner shall provide the town with a copy of the latest septic improvement inspection reports as required by, and at the same time when submitted to, the health department for required reporting purposes.

(2) *Permitting requirements.* The maximum permitted wastewater capacity for large residential dwellings shall not exceed 1,080 gallons per day.

(g) *Parking.* Parking for all large residential dwellings shall be in conformance with the requirements of section 48-162 applicable to single-family dwellings and two-family dwellings (duplexes).

Optional. Parking spaces for all large residential dwellings shall be based on the following formula: N-1, with N representing the number of bedrooms authorized by the septic improvement permit issued by the county department of environment health or the appropriate permitting agency. For property owners that elect to follow the Nags Head Residential Design Guidelines, parking for all large residential dwellings shall be in conformance with the requirements of section 48-162 applicable to single-family dwellings and two-family dwellings (duplexes).

(Ord. No. 03-08-040, § 2, 8-20-2003; Ord. No. 04-03-009, § I, 3-3-2004; Ord. No. 05-11-044, § II, 11-2-2005; Ord. No. 15-08-029, Pt. II, 8-19-2015)