



MEMORANDUM
Town of Nags Head
Planning & Development Department

To: Board of Commissioners
From: Michael Zehner, Director of Planning & Development
Kelly Wyatt, Deputy Planning Director
Date: May 29, 2019
Subject: Discussion of 16,000 Square Foot Lot Requirement for Large Residential Dwellings (I-3)

The Town's Zoning Ordinance regulates the construction of *Large Residential Dwellings*, defined as follows in Section 48-7:

Dwelling, large residential means a single-family dwelling or two-family dwelling (duplex) as defined by this chapter that has 3,500 or more square feet of enclosed habitable living space. Maximum total enclosed habitable living space for any single-family dwelling or two-family dwelling shall not exceed 5,000 square feet unless in conformance with all provisions of subsection 48-370(d)(1). Enclosed habitable living space for large residential dwellings shall be calculated to also include any enclosed habitable living space that may be present in any accessory structure that is located on the same lot as the principal structure.

Generally, *Large Residential Dwellings* are permitted in all districts, with the exception of the C-3, Commercial Services District. The minimum lot area to construct a *Large Residential Dwelling* is 16,000 square feet and the total enclosed habitable living space for *Large Residential Dwellings* may only exceed 5,000 square feet when located within the SED-80 district; the minimum lot area requirement of 16,000 square feet does not apply to large single-family dwellings located within the SPD-C, Village at Nags Head Zoning District.

The provisions regulating *Large Residential Dwellings* were originally adopted in 2003, although there have been changes since then to address State statutes prohibiting the regulation of the number of bedrooms in a dwelling, and to allow side setbacks to be varied based upon voluntary compliance with the Town's *Residential Design Guidelines*. Attached for review is Section 48-370, *Standards for large residential dwellings*, of the Zoning Ordinance; pertinent excerpts are provided below:

- Intent of Section 48-370: *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.*

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- The maximum height allowance for *Large Residential Dwellings* is the same as that for all other residential dwellings, thirty-five (35) feet with the ability to go up to forty-two (42) feet with the use of the desirable 8:12 roof pitch or greater.
- Standards for *Large Residential Dwellings* require a minimum of 10% of a lot's total area to be retained as existing natural vegetation and/or dune elevations OR that a minimum of 15% of the lot's total area be planted.
- *Large Residential Dwellings* utilizing innovative septic systems shall provide the town with a copy of the latest septic improvement inspection report.
- The maximum permitted wastewater capacity for *Large Residential Dwellings* is limited to a maximum of 1,080 gallons per day.
- Parking for *Large Residential Dwellings* constructed in compliance with the *Residential Design Guidelines* shall be provided in the same fashion as single-family dwellings and duplexes, meaning N-2 with "N" being the number of bedrooms, with a minimum of 2 parking spaces. *Large Residential Dwellings* that do not comply with the Residential Design Guidelines shall provide parking based upon the formula N-1.

Staff appreciates the Board's review and welcomes any questions, requests for additional information, and/or further direction.

Attachments:

- Town Code Section 48-370, Standards for Large Residential Dwellings