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## **Proposed Historic Character Area Zoning Changes February 2023**

### **What is zoning?**

Zoning is a method of urban planning that ensures orderly, attractive, and economically-sound development. Land is divided into areas called zones or districts, each with a set of regulations for development. These districts may be defined for a single use, they may combine several compatible activities by use, and/or they may govern the density, size, and shape of allowed buildings in the districts.

### **What zoning changes are being proposed?**

The Town is proposing to change the zoning classification for properties between US 158/South Croatan Highway and NC12/South Virginia Dare Trail from Hollowell Street south to Danube Street. This proposal also includes properties on the east side of Memorial Avenue from Bainbridge Street south to Hollowell Street.

Some properties are proposed to be rezoned from C-2, General Commercial to R-3, High Density Residential. Others are being proposed to be rezoned from C-2, General Commercial, to a new zoning district, C-5, Historic Character Commercial. A map of the proposed rezoning can be found at [NagsHeadNC.gov/ZoningChanges](http://NagsHeadNC.gov/ZoningChanges).

### **What is the purpose of the proposal?**

The Town's intent is to protect what it calls the "Historic Character Area", which includes the area adjacent to Jockey's Ridge State Park, the tallest active dune system in the eastern United States and North Carolina's most visited state park, and Historic Cottage Row, home to several cottages that have been listed on the National Register of Historic Places since 1977.

The area is currently zoned C-2, General Commercial, which allows the broadest range, and highest intensity, of uses within the town. The Comprehensive Land Use Plan suggests that this zoning designation is not appropriate to protect the integrity of the Historic Character Area. The Town's Planning Board is recommending zoning changes that would create consistency with existing land uses and would be compatible with the current intensity of development in this area.

### **What are the standards of the R-3, High Density Residential Zoning District?**

Several areas of Nags Head are in the R-3 zoning district. An example is the Old Nags Head Place neighborhood on the north side of Hollowell Street. This district primarily allows single-family

dwellings with a minimum 15,000 square foot lot size. Duplexes are allowed on lots with at least 22,000 square feet of area. For new subdivisions along US 158, the R-3 zoning district requires that a 15-foot-wide undisturbed vegetative buffer be maintained along the roadway. Lot coverage is limited to 33 percent of the lot area for residential development.

Multi-family development or other types of commercial development are not allowed in the R-3 zoning district.

**What are the standards of the new C-5, Historic Character Commercial zoning district?**

The C-5 district is new and allows commercial uses such as office, retail, restaurants, personal service establishments, and single-family dwellings. The uses in the C-5 district are reduced compared to the C-2 district. The C-2 district allows larger shopping centers and a broader range of uses including fueling stations, car washes, and drive-throughs. The C-5 district focuses on uses smaller in scale, with less intense development, which is more consistent with the charm and character of the National Register Historic District, Jockey's Ridge, and existing residential uses.

Single-family dwellings are allowed using the same standards as the R-3 district.

For commercial development, lot coverage would be up to 40 percent. However, pervious (permeable) paving materials can be used to increase the coverage up to 50 percent. This standard is less dense than the C-2 General Commercial district, which allows lot coverage up to 55 percent.

**What does the rezoning mean for my property?**

If you own a commercially developed property, the changes may mean that certain aspects of your development may now be considered nonconforming. A nonconformity is a zoning term that refers to something that was legally created at the time it was developed; however, due to changes in regulations after the use was established, certain aspects of it would no longer be allowed.

The Town's rules on nonconforming development allow for the nonconformities to continue to exist, and even be redeveloped in some cases. The current proposal is not intended to eliminate uses that already exist; these changes are designed to influence future development that may occur.

The proposal does not rezone any commercially developed property to a residential-only classification. It does, though, propose to rezone several vacant parcels from commercial to residential zoning.

There are many developed properties that are already considered nonconforming due to the number of changes to the Town's zoning ordinance that have occurred over the years.

**How were the properties selected for rezoning?**

The properties between Hollowell Street and the 7-Eleven at Conch Street have been recommended to be rezoned from C-2 to R-3. Most of this area has been developed residentially to the R-3 standard. Therefore, the most compatible classification with this area is R-3. Additionally, extension of the R-3 district would require an undisturbed vegetative buffer along US 158, which was a requisite when Old Nags Head Place was developed. This buffer maintains an attractive and functional (stormwater absorption), vegetated corridor across from Jockey's Ridge State Park.

The properties from the 7-Eleven south to Mulligan's Grille are currently developed as commercial uses; therefore, the C-5 designation was selected for them.

Areas where there are clusters of residentially developed and vacant properties south of Mulligan's have been designated as R-3. Areas with commercial development or a mixture of commercial and residential development have been designated as C-5.

**If my property is non-conforming, what does this mean if I want to make further improvements?**

This depends on the type of nonconformity that exists. In all cases, nonconformities can continue as is. However, certain actions may trigger compliance with new rules. The answer to this question is property specific.

- For nonconforming structures, improvements may be allowed if the degree of nonconformity is not expanded.
- For nonconforming uses, expansion of the nonconforming aspect of the use may not be allowed.
- For existing developed properties, owners may need to contact our Planning and Development Department for answers to specific questions.