



## Town of Nags Head

Planning and Development  
Department

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February 24, 2023

RE: Planning Board Certification of proposed UDO, Town Code and Map Amendments related to the Historic Character Area and moratorium adopted on October 19, 2022.

Dear Mayor and Board of Commissioners:

This letter is to certify that following the adoption of the October 19, 2022 moratorium prohibiting all non-residential developments located within the C-2, General Commercial Zoning District applicable to areas from Danube Street north to Hollowell Street, between US Highway 158 and NC 12, the Planning Board worked with Planning Staff to draft proposed regulatory mechanisms to ensure that the Town's vision is maintained and that any future development within the Historic Character Area preserves and complements the integrity of the area.

The Planning Board discussed this item at their regularly scheduled meetings held on November 15, 2022, December 13, 2022, and January 17, 2023. At their January 17, 2023 meeting planning staff presented draft ordinance amendments for the establishment of the C-5, Historic Character Commercial Zoning District. The following amendments were presented and discussed by the Planning Board:

- Section 6.2.2, Zoning Districts Established, to include the proposed C-5, Historic Character Commercial District.
- Section 6.2.4, Commercial Districts, to include the C-5, Historic Character Commercial District and create a draft intent narrative, outlining the district's purpose.
- Section 6.6, Table of Uses and Activities to include the C-5, Historic Character Commercial District to propose which uses should be allowed within the proposed C-5 District
- Section 8.2, Development Standards, Primary Districts, to establish dimensional requirements for the proposed C-5, Historic Character Commercial District.
- Section 7.15, Supplemental Regulations for Pet Shop/Grooming Shops.
- Section 8.3, Special Development Standards, to add Section 8.3.2 which sets forth special commercial building design criteria for both new and existing commercial structures within the proposed C-5, Historic Commercial District. Additionally, this section recommends applying a maximum habitable building area based upon the lot's frontage on either NC 12 or US Highway 158.
- Section 8.6.6.4, Special Requirements for the C-3 District and C-5 District, to set forth lot coverage allowances within the C-3 and C-5 District, noting that the C-5 District

contains a special allowance for increased coverage with the use of permeable materials.

- Section 10.82, Applicability of Commercial Design Standards to add the proposed C-5 District to those districts to which the design standards apply.
- Sections 10.24, 7.78, 7.45, 7.23 and Appendix A, Definitions to be updated with the C-5, Historic Character Commercial District.

The Planning Board was also presented with draft text amendments to the Town Code including an amendment to Section 12-143 as it relates to sexually oriented businesses and Section 16-73 as it relates to the maximum permissible noise levels by zoning district.

Planning staff then presented the Planning Board the proposed Map Amendment/Rezoning for the properties within the moratorium area. The proposed map amendment also includes properties on the east side of Memorial Avenue from Bainbridge Street south to Hollowell Street. Clusters of residentially developed and vacant properties have been proposed to be designated as R-3, Medium Density Residential. Areas with existing commercial development or a mixture of commercial and residential development have been proposed to be designated as C-5, Historic Character Commercial.

At their January 17<sup>th</sup>, 2023, meeting the Planning Board voted unanimously to recommend adoption of the proposed text amendments to the Unified Development Ordinance and the Town Code to create the C-5, Historic Character Commercial Zoning District including amendments to the table of uses and activities, dimensional standards, and special commercial building design criteria. The Planning Board also voted unanimously to recommend adoption of a zoning map amendment to rezone the moratorium area and the properties on the east side of Memorial Avenue from Bainbridge Street south to Hollowell Street to a combination of the R-3, High Density Residential Zoning District and the C-5, Historic Character Commercial Zoning District.

Please do not hesitate to contact me should you have any questions concerning this item.

  
Megan Vaughan, Chair of the Nags Head Planning Board

2/25/23  
Date

Attest:

  
Kelly Wyatt, Director of Planning and Development

2/25/23  
Date