

**(DRAFT)**  
**AN ORDINANCE AMENDING THE CODE OF ORDINANCES  
OF THE TOWN OF NAGS HEAD, NORTH CAROLINA PERTAINING TO THE  
USES ALLOWED AS PART OF THE COMMERCIAL MIXED-USE USE TYPES**

**ARTICLE I. Purpose(s) and Authority.**

**WHEREAS**, pursuant to N.C.G.S. § 160A-381, the Town of Nags Head (the “Town”) may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land; pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160A, Art. 19 et. seq, the Town has adopted comprehensive zoning regulations and has codified the same within the Unified Development Ordinance, Part II of the Town Code, adopted pursuant to N.C.G.S. § 160A-363, which allows the Town to combine certain land development ordinances into a unified ordinance; and

**WHEREAS**, the Board of Commissioners find that it is appropriate for the Religious Complex use to be allowed as part of the various Commercial-Mixed Use designation uses, with reasonable permitting requirements; and

**WHEREAS**, the Board of Commissioners finds that these text amendments are consistent with the goals, objectives and policies of the Town’s adopted Comprehensive Plan, and that this action is reasonable and in the public interest, and is in the interest of and not contrary to the public’s health, safety, morals and general welfare for the Town to amend the Town’s Unified Development Ordinance as stated below.

**ARTICLE II. Construction.**

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language, unless provisions are noted as being deleted and/or replaced in their entirety. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by an ellipsis (“...”) shall remain as they currently exist within the Town Code.

**ARTICLE III. Amendment of the Unified Development Ordinance.**

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that the Unified Development Ordinance of the Town Code shall be amended as follows:

PART I. That **Section 7.32.5, Institutional**, be amended as follows:

***7.32.5. Institutional.***

- Governmental Administrative Office.
- Libraries.
- Religious Complexes

**March 30, 2021 DRAFT**

PART II. That Section 7.45.1, Dimensional Requirements, be amended as follows:

**7.45.1. Dimensional Requirements.**

The following dimensional requirements shall not apply to religious complexes occupying a tenant space within a building with multiple tenant spaces.

TABLE 7-3: REQUIREMENTS FOR RELIGIOUS COMPLEXES				
	R-2	R-3	SPD-20	C-2
Building Separation	30 feet			
Setbacks	25 feet property line; 30 feet street or right-of-way			
Ratio of Floor Area to Site Area	1:6	1:4	1:6	1:4
Lot Coverage	30%; may increase to 45% with stormwater management facilities designed to retain and infiltrate the two-inch storm event			55%

**ARTICLE IV. Severability.**

All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance amendment nor the Unified Development Ordinance or Town Code of the Town of Nags Head, North Carolina which shall remain in full force and effect.

**ARTICLE V. Effective Date.**

This ordinance amendment shall be in full force and effect upon the date of adoption by the Board of Commissioners.

\_\_\_\_\_  
Benjamin Cahoon, Mayor  
Town of Nags Head

ATTEST:  
\_\_\_\_\_  
Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:  
Town Attorney \_\_\_\_\_  
Date adopted: \_\_\_\_\_  
Motion to adopt by Commissioner \_\_\_\_\_  
Motion seconded by Commissioner \_\_\_\_\_  
Vote: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS