



**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF NAGS HEAD, NORTH CAROLINA AND SECTION 6.6 OF THE UDO, TABLE OF PERMITTED USES AND ACTIVITIES, DWELLING, MULTI-FAMILY WITHIN THE C-2, GENERAL COMMERCIAL ZONING DISTRICT**

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

**WHEREAS**, pursuant to N.C.G.S. § 160D-701, 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. 160D-702, 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. § 160D-103, which allows the Town to combine certain land development ordinances into a unified ordinance;

**WHEREAS**, Section 2.4.4.3 of the Unified Development Ordinance provides that the powers and duties of the Planning Board include developing and recommending policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;

**WHEREAS**, Section 3.5.1. of the Town Code makes clear that a zoning ordinance text amendment may be initiated by motion of the Board of Commissioners, by motion of the Planning Board, or by application by any person within the zoning jurisdiction of the Town;

**WHEREAS**, the Planning Board initiated and recommended adoption of an amendment to the Unified Development Ordinance to remove the use, "Dwelling, Multi-family" from the C-2, General Commercial Zoning District;

**WHEREAS**, the 2017 Comprehensive Land Use Plan provides the following policies and actions which should guide the Town's zoning and development actions:

LU-4d – Identify existing cohesive residential areas that are currently zoned commercial and consider rezoning to residential to preserve their integrity and limit future land use compatibility issues.

LU-4e – Develop regulations that prevent incompatible commercial development adjacent to areas with historical designations or significance.

LU-9b – Evaluate all current commercial zoning districts, based on this plan and the future land use map, to determine if they are functioning as envisioned and make necessary modifications. This should include the review of the existing C-2 district and determine if the C-1 or C-4 districts would be better suited than the current C-2 zoning along NC12, between the highways, and along US 158 (excluding major shopping center developments).

LU10a – Evaluated land uses specified in each zoning district and further clarify which uses are appropriate based on the intent of each district, their overall compatibility with current land uses, and desired future development patterns.

**WHEREAS**, consistent with Section 3.5.4 of the UDO (and subparts to that section) the Board finds that the proposed text amendment recommended by the Planning Board advances the public health, safety, or welfare; will help preserve the residential and historic character of areas of Town where commercial and non-residential uses or increases in or expansions of such uses are not compatible or desirable; is reasonable and in the public interest; and is consistent with the Town of Nags Head Comprehensive Land Use Plan.

**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. 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.

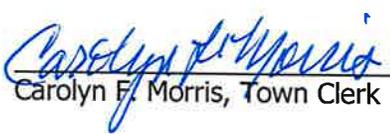
**ARTICLE III. Amendment of the Unified Development Ordinance.**

PART I. The Unified Development Ordinance is hereby amended to remove the use, “Dwelling, Multi-family” from the C-2, General Commercial Zoning District, and, accordingly, **Section 6.6, Table of Permitted Uses and Activities** is hereby amended to read as follows:

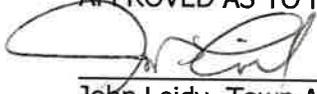
	Use Category	Use Type	Residential Districts			Commercial Districts					Special Districts				Overlay Districts			
			R1	R2	R3	C R	C-1 *	C2	C 3	C 4	SPD -20	SED -80	SPD -C*	O&S	C O	H O	SR O	
1	Residential	Dwelling, Large Residential	P R	P R	P R	P R		P R				PR	PR		PR			PR
1	Residential	Dwelling, Multi-Family					S R	<del>SR</del>										
1	Residential	Dwelling, SingleFamily (detached)	P	P	P	P	P	P		P	P	P		P				P
1	Residential	Dwelling, Two-Family		P	P	P	P	P		P								

PART II. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect from and after the 4<sup>th</sup> day of January 2023.

  
 Benjamin Cahoon, Mayor  
 Town of Nags Head

ATTEST:  
  
 Carolyn F. Morris, Town Clerk



APPROVED AS TO FORM:  
  
 John Leidy, Town Attorney

Date adopted: January 4, 2023

Motion to adopt by Commissioner Comr. Kevin Brinkley  
 Motion seconded by Commissioner Comr. Renée Cahoon

Vote: 4 AYES Comr. Kevin Brinkley  
 Comr. Renée Cahoon  
 Mayor Pro Tem Michael Siers  
 Comr. Bob Sanders  
1 NAYS Mayor Ben Cahoon