



**AN ORDINANCE AMENDING THE TOWN CODE OF THE
 TOWN OF NAGS HEAD, NORTH CAROLINA AS IT PERTAINS
 TO THE CREATION OF THE C-5 HISTORIC CHARACTER
 COMMERCIAL ZONING DISTRICT**

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

PART I. That Section 12-143. Licensing of sexually oriented businesses, be amended as follows:

The following license provisions and regulations are ordained for the purpose of operating a sexually oriented business:

(2) Every application for a sexually oriented business license prescribed in this section shall be upon a form approved by the town manager and shall be filed with the town clerk. An application shall be made under oath and shall contain the following information:

- i. A current certificate and straight-line drawing prepared by a registered land surveyor depicting the property lines and the structure containing the proposed sexually oriented business and its distance from existing land uses to include, but not be limited to, established dwellings within the C-3 commercial services zoning district, residential zoning districts (R-1, R-2, R-3, C-4, C-5, SPD-20, SPD-C, CR), other sexually oriented business, religious complexes, libraries, schools, state licensed child day care centers, public playgrounds, public swimming pools, public parks, and any outdoor recreational use.

PART II. That Section 16-73. Maximum permitted sound levels by zoning district be amended as follows:

Table 1
 Maximum Sound Pressure Levels
 Maximum Permitted Sound Levels by Zoning District

Zoning District	Time (Local Time)	Maximum Sound Level Limit (dBA)
Residential (R-1, R-2, R-3, SPD-20, SED-80, SPD-C, CR, and C-4)	7:00 a.m.-11:00 p.m. 11:00 p.m.-7:00 a.m.	57 52
Commercial (C-1, C-2, <u>C-5</u> including the commercial outdoor recreational overlay district)	7:00 a.m.-11:00 p.m. 11:00 p.m.-7:00 a.m.	65 60
Commercial services (C-3)	7:00 a.m.-11:00 p.m. 11:00 p.m.-7:00 a.m.	65 60

PART III. Effective Date.

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

Michelle H Gray
 Michelle H Gray, Deputy Town Clerk

Benjamin Cahoon
 Benjamin Cahoon, Mayor
 Town of Nags Head

APPROVED AS TO FORM:

John Leidy
 John Leidy, Town Attorney

Date adopted: March 15, 2023

Motion to adopt by Commissioner
 Motion seconded by Commissioner
 Vote: 4AYES NAYS 0

Kevin Brinkley
Bob Sanders