



AN ORDINANCE AMENDING THE TOWN CODE AND UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF NAGS HEAD, NORTH CAROLINA AS IT PERTAINS TO THE SUPPLEMENTAL REGULATIONS FOR FUELING STATIONS

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 Board of Commissioners initiated a text amendment pertaining to the supplemental regulations associated with Fueling Stations within the Town.

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. That Section 7.20, Fueling Station, be amended as follows:

Fueling stations are permitted in accordance with Section 6.6, Table of Uses and Activities, provided that the following additional requirements and conditions are met:

7.20.1. No petroleum pumps shall be nearer than fifty (50) feet to any right-of-way or property line.

7.20.2. All underground fuel storage tanks shall be equipped with leak detection devices. The type of detection device shall be approved by and subject to periodic inspections by ~~the~~ Town.

7.21 In addition to the buffering requirements of Section 10.93, Landscaping, Buffering, and Vegetation Preservation, a ten-foot wide commercial transitional protective yard shall be placed along the frontage of any street right-of-way.

~~7.21.1. In addition to the conditions above, when a Fueling Station is proposed within the C-5, Historic Character Commercial Zoning District, the following conditions shall apply:~~

~~7.21.1.1. Fueling Stations shall have no more than four (4) fuel dispensers.~~

~~7.21.1.2. No fueling station, with or without a convenience store, shall be constructed on a lot having frontage on NC 12.~~

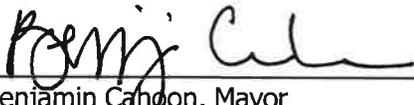
~~7.21.1.3. Convenience store use associated with a fueling station shall not exceed 3,500 sf. of habitable building area.~~

7.20.4. Fueling Stations shall have no more than four (4) fuel dispensers.

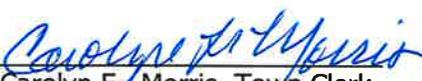
7.20.5. Convenience store use associated with a fueling station shall not exceed 3,500 sf. of habitable building area.

7.20.6. As of (insert ordinance adoption date) no new fueling station, with or without a convenience store, shall be constructed on a lot having frontage on NC 12.

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 7th day of **June 2023**.

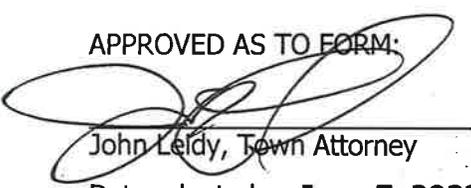

Benjamin Cannon, Mayor
Town of Nags Head

ATTEST:


Carolyn F. Morris, Town Clerk



APPROVED AS TO FORM:


John Leidy, Town Attorney

Date adopted: **June 7, 2023**

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS