



**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF NAGS HEAD, NORTH CAROLINA AS IT PERTAINS TO DORMITORY USE WITHIN THE SED-80, SPECIAL ENVIRONMENTAL 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**, Planning staff requested the Planning Board initiate the amendments to advance the potential of constructing workforce housing for the town's lifeguards;

**WHEREAS**, the requested amendment is consistent with the 2022 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. That **Section 7.41 – Nursing Homes/Medical Offices**, be amended as follows: Nursing homes/medical offices are permitted in accordance with [Section 6.6](#), Table of Uses and Activities, provided that all such uses shall be located in that area as is now designated or may be hereafter be designated for such uses by the Town pursuant to Chapter 1160 of the Session Laws of 1973 of the North Carolina General Assembly (An Act to Allow the Town of Nags Head to Designate Certain Town-Owned Property for Health Care Purposes), as amended, and subject to the following:

**7.41.1.** A minimum lot area of 80,000 square feet shall be required for each principal building on the site.

**7.41.2.** Lighting shall be the minimum amount that may be required for security purposes and shall be in accordance with [Article 10](#), Part IV, Outdoor Lighting of this UDO.

**7.41.3.** Along the side and rear property lines, a 25-foot wide undisturbed area of natural vegetation shall be provided.

**7.41.4.** An evacuation plan shall be provided and be subject to review by the Town.

**7.41.5.** Medical and rehabilitation facilities may be located within a nursing home.

**7.41.6.** ~~A dormitory for temporary use by staff of nursing homes may be allowed only in conjunction with nursing home facilities already permitted in the SED-80 district.~~

Dormitory use shall be permitted under the following conditions:

1. For temporary use by staff of nursing homes, in conjunction with and located within nursing home facilities already permitted in the SED-80 District. Dormitory applications

under this condition shall not be required to meet the supplemental regulations specified in Section 7.10 of the UDO.

2. For use by the Town of Nags Head workforce, or as approved by the Town Manager. Dormitory applications under this condition may be either attached or detached and must comply with the supplemental regulations specified in Section 7.10 of the UDO.

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 September 2024.

  
Benjamin Cahoon, Mayor

ATTEST:

  
Carolyn F. Morris, Town Clerk



APPROVED AS TO FORM:

  
John Leidy, Town Attorney

Date adopted: 9/4/2024

Motion to adopt by Commissioner \_\_\_\_\_

Motion seconded by Commissioner \_\_\_\_\_

Vote: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS