



**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF NAGS HEAD, NORTH CAROLINA**

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 a comprehensive zoning ordinance (the "Town's Zoning Ordinance") and has codified the same as Chapter 48 of the Town's Code of Ordinances (the "Town Code"); and

WHEREAS, pursuant to N.C.G.S. § 160A-174 the Town may also enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town; and

WHEREAS, a zoning ordinance text amendment was initiated by an applicant to allow for multiple principal uses within a single structure; and

WHEREAS, the 2010 Land Use Plan states the Town desires to support local business owners; and

WHEREAS, The Town desires to build an economy based on family tourism; and

WHEREAS, the Town finds that these text amendments are consistent with the goals, objectives and policies of the Town's adopted Land Use Plan, and that this is action is reasonable and in the public interest,

WHEREAS, the Town further finds that in accordance with the findings above it 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 Zoning Ordinance and Town Code of Ordinances 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. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by an ellipses ("...") shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of Zoning Ordinance.

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

PART I. That **Section 48-7, Definitions of Specific Words and Terms, *Building, Principal*** be amended as follows:

Building, principal, means a building in which is conducted the principal uses of the lot on which it is located.

PART II. That **Section 48-377, Multiple Principal Uses within a Single Commercial Structure or Unit** be added as follows:

48-377. - Multiple Principal Uses within a Single Commercial Structure or Unit

Multiple principal uses may be established within a single commercial structure or unit by Conditional Use approval provided the use is a listed permitted or conditional use within the district in which it is located and that the following conditions are met:

1. No more than two (2) principal uses shall be located within any one structure or unit at any given time. This limitation does not apply to permitted accessory uses.
2. Parking requirements for each principal use shall be calculated separately based upon the standards applicable to each use as set forth in Town Code Section 48-167, Required Parking by Use. If uses have different/staggered hours of operation, the applicant may request a parking reduction in accordance with Town Code Section 48-165, Alternative and Reduced Commercial Parking Requirements.
3. All uses within the single commercial structure or unit, both principal and accessory shall be managed and under the control of a single party.

PART II. That **Section 48-405(c), Conditional Uses within the C-R, Commercial Residential Zoning District** be amended as follows:

- (7) Multiple Principal Uses within a Single Commercial Structure or Unit consistent with Town Code Section 48-377.

PART III. That **Section 48-407(c), Conditional Uses within the C-2, General Commercial Zoning District** be amended as follows:

- (30) Multiple Principal Uses within a Single Commercial Structure or Unit consistent with Town Code Section 48-377.

ARTICLE IV. Statement of Consistency with Comprehensive Plan and Reasonableness.

The Town's adoption of this ordinance amendment is consistent with the Town's adopted comprehensive zoning ordinance, land use plan and any other officially adopted plan that is applicable. For all of the above-stated reasons and any additional reasons supporting the Town's adoption of this ordinance amendment, the Town considers the adoption of this ordinance amendment to be reasonable and in the public interest.

ARTICLE V. Severability.

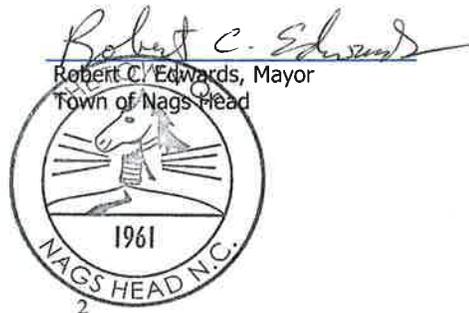
All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance amendment nor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

ARTICLE VI. Effective Date.

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 **6th** day of **May 2015**.

ATTEST:


Carolyn F. Morris, Town Clerk



APPROVED AS TO FORM:

John Leidy, Town Attorney

Date adopted: May 6, 2015 _____

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS