



**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, the 2010 Land Use Plan states that "the natural environment is an integral part of our community and must be considered in all decisions", "we recognize that in order to secure this future we must work together treating all with respect and fairness and focusing on our common goals" and that the Town "will maintain its relative self-sufficiency by providing adequate services and amenities for residents and visitors";

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 **48-442(f)(3), Dimensional Requirements within the SED-80, Special Environmental District**, be amended as follows:

(3) For the following facilities so long as not adjacent to estuarine waters or located within an AEC as defined by CAMA: municipally-owned government facilities, medical offices, nursing homes, and convalescent homes, and municipally owned government facilities not adjacent to estuarine waters or located within an AEC as defined by CAMA:

- a. Dimensional requirements of subsection [(f)(2) of this section] shall apply, except that lot coverage shall not exceed 20 percent of the total lot area.
- b. In the case of lots abutting estuarine waters (as defined by division of marine fisheries and used by CAMA), or located within the estuarine AEC, as defined by CAMA, lot coverage shall not exceed 15 percent. Lot coverage allowances shall not be transferred from one portion of the lot to another.
- c. The area necessary for shared access-ways of this chapter shall be excluded from the total lot coverage allowance for an individual lot.

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 **1st** day of **February 2017**.


Robert C. Edwards, Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk



APPROVED AS TO FORM:

John Leidy, Town Attorney

Date adopted: February 1, 2017
Motion to adopt by Commissioner _____
Motion seconded by Commissioner _____
Vote: _____ AYES _____ NAYS