



**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 text amendment was initiated by the Planning Board and Board of Commissioners to clarify the uses that are permitted and prohibited within the Town's zoning districts; and

WHEREAS, the proposed ordinance establishes guidance to assist the Town in determining whether unlisted uses are consistent with and should be allowed within Town zoning districts; and

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's Code of Ordinances be amended as follows:

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

Fine Craft and Folk Art means a variety of crafts and arts rooted in community and cultural traditions that generally expresses and encompasses a range of utilitarian and decorative media including cloth, wood, paper, clay metal and more.

Flyboard means a type of jetpack which supplies propulsion to drive the flyboard through water, the rider typically stands on a board connected by a long hose to a watercraft.

Jet Pack means a device, usually worn on the back, that is propelled by jets of escaping gases or liquids to allow a single user to propel themselves in the air.

PART II. That **Section 48-401, Adoption**, be amended to read as follows:

(1) For the purpose of this chapter, district regulations limiting the use of buildings and land and the bulk and arrangement of buildings as set forth in this article are hereby adopted for the town. These district regulations may be amended as provided in article XVIII of this chapter.

(2) **Permitted and Prohibited Use Table.**

(A) The following Permitted/Prohibited Use Table lists use classifications, categories, and types and indicates whether each is allowed with an administrative permit, a conditional use permit, or is prohibited.

(B) Zoning district descriptions. The use table lists allowable and prohibited uses for each zoning district in the Town of Nags Head. A general description outlining the intent of each district is provided below.

(i) R-1 Low-Density Residential District. The R-1 low-density residential district is intended to encourage the development of permanent low-density residential neighborhoods.

(ii) R-2 Medium-Density Residential District. The R-2 medium-density residential district is intended to encourage the development of moderate-density residential neighborhoods with a mix of permanent and short-term seasonal residents, and to serve as a transition zone between the low-density area and more intensely developed areas.

(iii) R-3 High Density Residential District. The R-3 high-density residential district is established as an area in which the principal use of the land is for high-density single-family and duplex residential development. The R-3 district also provides for the development of less intensive residential uses as well as compatible supporting uses.

(iv) CR Commercial Residential District. The CR commercial residential district is established as an area in which the principal use of the land is for intensive recreational purposes and for those types of development which, by their nature, are best located in close proximity to the town's beach area. The CR district also provides for the less intensive residential uses as well as compatible supporting uses.

(v) C-1 Neighborhood Commercial District. The C-1 neighborhood commercial district is established primarily to encourage the concentration of commercial facilities in clusters and to provide readily accessible shopping facilities for the town's permanent and seasonal residents.

(vi) C-2 General Commercial District. The C-2 general commercial district is established to provide for the proper grouping and development of commercial facilities to serve the entire community.

(vii) C-3 Commercial Services District. The C-3 commercial services district is established to provide standards for the location of commercial services which are required for the development of the town; such facilities as wholesale food and beverage storage and distribution, building contractor office and storage facilities, and other similar uses which are required elements of a self-sufficient community. Allowed uses shall not be detrimental to adjacent uses, the environment, and the sources of potable water, i.e., fresh pond and groundwater.

(viii) C-4 Village Commercial District. The C-4 village commercial district is intended to permit the development of residential areas of low to moderate density with a mixture of professional commercial activities of limited size. It is also the intent of this C-4 district to attract permanent residents and to allow the conduct of small-scale business operations normally expected to produce a low volume of traffic. The C-4 district is further intended to provide an area in which small but similar businesses will be allowed to take advantage of the steady flow of low-volume vehicular and pedestrian traffic by locating within close proximity of each other.

(ix) SPD-20 Special Planned Development District. The SPD-20 special planned development district is created to permit development, primarily residential in nature, that is compatible with the environmentally sensitive nature of the unique coastal land forms contained in this district. The largest portion of this district contains Jockey's Ridge State Park which has been designated by the state coastal resources commission as a unique coastal geologic formation area of environmental concern and as a National Natural Landmark by the United States Department of the Interior. The northwestern portion of the district borders on Nags Head Woods, a maritime forest. This SPD-20 district is characterized by unique topographical and vegetative features including vegetated and unvegetated dunes, migrating sand dunes, as well as a pine forest.

(x) SED-80 Special Environmental District. This SED-80 district is created to permit low-density residential development that is compatible with the environmentally sensitive nature of Nags Head Woods and to preserve land in a natural state where such land is considered to be a vital link in the groundwater replenishment cycle of the outer banks and where the destruction of natural vegetation would have a harmful effect on the stability of the soil and its resistance to erosion.

(xi) SPD-C Special Planned Development-Community. The SPD-C district is established to create regulations adapted to unified planning and

development that are intended to accomplish the purposes of zoning and other applicable regulations to the same degree as in districts in which conventional regulations are intended to control development on a lot-by-lot basis. This is intended to promote economical and efficient land use, a higher level of amenities, appropriate and harmonious variety in physical development, design, and an improved living and working environment.

(xii) O&S Ocean and Sound Waters District. The Ocean and Sound Waters District is established to provide for the proper use of the ocean and sound waters, including islands that adjoin the town, to ensure the continued scenic, conservation and recreational value that these waters provide to the town, its residents, visitors and the surrounding area. Regulations shall not prohibit or regulate commercial fishing and navigation.

(xiii) CO Commercial-Outdoor Recreational Uses Overlay District. The Commercial-Outdoor Recreational Uses Overlay District is established to provide a set of comprehensive land use regulations for the operation of commercial-outdoor recreational uses while protecting the residentially zoned areas of the town. This shall be the only area within the town where these uses are allowed.

(xiv) Hotel Overlay District. The purpose of the Hotel Overlay District is to allow for the location of larger-scale hotels in commercial areas where the increase in height does not significantly affect the viewshed from Jockey's Ridge and does not diminish the low density character of the historic district and the neighborhoods within the R-2 medium density residential zoning district.

(xv) SRO Soundside Residential Dwelling Overlay District. The purpose of the Soundside Overlay District is to establish regulations that will preserve the unique character and historical significance of the residential enclave located in the vicinity of the unimproved portion of Soundside Road and Chowan Avenue.

(C) Organization of uses. The use table organizes allowable uses by use classifications, use categories, and use types, together providing a systematic basis for identifying and consolidating or distinguishing unidentified land uses to determine whether a particular land use is allowable in a particular zoning district and in addressing future land uses.

(i) Use classifications. Use classifications identify broad general classification of uses and include residential, institutional, agricultural, commercial, industrial, transportation, and wireless telecommunication systems uses. Use classifications are further broken down into a series of general use categories and more specific use types.

(ii) Use categories. Use categories describe the major sub-groups of the respective use classifications and are based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions. For example, the residential use classification is divided into the household living and group living use categories. Use categories are further broken down into a series of individual use types.

(iii) Use types. The specific use types are included in the respective use category. They identify the specific principal uses that are considered to fall within characteristics identified in the use category. For example, duplex dwellings, live/work dwellings, manufactured homes, single-family detached dwellings, and townhouse dwellings are use types in the household living use category.

(D) Prioritization. Certain use categories and use types are addressed specifically in the zoning ordinance and/or permitted/prohibited use table.

(i) The allowance for any specifically listed use type in the permitted/prohibited use table takes precedence over requirements for a broader use category.

(ii) Likewise, the allowance for any use category in the permitted/prohibited use table takes precedence over a broader use classification.

(E) Permit types.

(i) Permitted uses. A "P" in a cell of the use table indicates that the corresponding use classification, category or type is permitted in the corresponding zoning district. Permitted uses are subject to compliance with

all use-specific standards and applicable development regulations of the zoning ordinance.

(ii) Uses requiring a conditional use permit. A "C" in a cell of the use table indicates that the corresponding use classification, category or type is permitted in the corresponding zoning district, subject to approval of a conditional use permit for the proposed use. Uses requiring a conditional use permit are subject to compliance with all use-specific standards and applicable development regulations of the zoning ordinance, as well as the conditional use approval process and criteria found in 48-525 of the zoning ordinance.

(iii) Prohibited uses. An "X" in a cell of the use table indicates that the corresponding use classification, category or type is prohibited in the corresponding zoning district.

(iv) Uses allowed within the SPD-C, Village at Nags Head. A "V" in a cell in the tables in sections 3 and 4 below indicates that the use is permitted within the SPD-C Village at Nags Head zoning district. The table in section 5 should be used to determine which Village at Nags Head district the use is allowed and whether the use is permitted by right or as a conditional use.

(F) Classification and review of unlisted uses. The Zoning Administrator shall determine whether or not an unlisted use is substantially similar to an already defined use category or use type. The Zoning Administrator shall use the following factors as a guideline when classifying a new or unlisted use to determine if such use is classified in a manner consistent with other similar uses in the applicable zoning district. A proposed use will not be denied solely because it is not included in this Chapter as a listed use. An unlisted use will be denied if the Zoning Administrator determines that the unlisted use is substantially similar to a use which is expressly prohibited in that district.

(i) Consistency with the stated intent of the zoning district;

(ii) Consistency with the adopted vision statement and land use plan;

(iii) Density of development (number of units, square footage, etc.);

(iv) Intensity of use;

(v) Type of activity associated with the use;

(vi) Number of customers and length of stay;

(vii) Generation of pedestrian and vehicular traffic;

(viii) Potential impacts such as noise, light, odor, etc.; and

(ix) Public safety.

If a use is deemed to be an unlisted use that is not prohibited, the use shall be considered as a conditional use using the more restrictive requirements of (1) the most restrictive use in the district; or (2) the requirements and restrictions of the use with the most similar impacts found in another district.

(3) Residential Prohibited and Permitted Uses Chart

TYPE OF USE	ZONING DISTRICTS										OVERLAY DISTRICTS					COMMENTS
	R-1	R-2	R-3	CR	C-1	C-2	C-3	C-4	SPD-C	SPD-20	SED-80	CO	Hotel	O&S	SRO	
RESIDENTIAL Household Living																
Detached Single-Family Dwellings	P	P	P	P	P	P	X	P	Y	P	P	P	P	P	P	
Large Residential Dwellings	P	P	P	P	P	P	X	P	Y	P	P	P	P	P	P	
Duplex	X	P	P	P	X	X	X	X	Y	X	X	X	X	X	X	
Customary Accessory Structures (Including Vertical Axis Wind Energy Facilities and Solar Energy)	P	P	P	P	P	P	P	P	Y	P	P	P	P	P	X	
Multi-Family	X	X	X	C	X	C	X	X	X	X	X	C	C	X	X	
Residential Cluster Housing	X	P	X	X	X	X	X	X	X	X	C	X	X	X	X	
Townhouses	X	X	X	C	X	C	X	X	Y	C	X	X	X	X	X	
Mobile/Manufactured Homes	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Trailers and Trailer Parks	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
RESIDENTIAL Group Living																
Bed and Breakfast	X	X	X	X	X	P	X	X	X	X	X	P	P	X	X	
Boardinghouse or Rooming House	C	C	C	C	X	C	X	X	X	X	X	C	C	X	X	

Ordinance No 17-05-008
 Table of permitted/prohibited uses
 BOC Meeting May 17, 2017

TYPE OF USE	ZONING DISTRICTS										OVERLAY DISTRICTS				COMMENTS	
	R-1	R-2	R-3	CR	C-1	C-2	C-3	C-4	SPD-C	SPD-20	SED-80	CO	Hotel	O&S		SRO
Convents & Monasteries	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Cottage Courts	X	X	X	C	X	C	X	X	X	X	X	X	C	X	X	
Dormitories & Residence Halls	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Fraternity & Sorority Houses	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Family Care Homes, Halfway Homes	P	P	P	P	P	P	P	P	X	P	P	P	P	X	X	<u>NCGS 168-22</u>
Hotels	X	X	X	C	X	C	X	X	Y	X	C	C	C	X	X	
Other Residential Uses	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	

(4) Non-Residential Prohibited and Permitted Uses Chart

TYPE OF USE	ZONING DISTRICTS										OVERLAY DISTRICTS				COMMENT:	
	R-1	R-2	R-3	CR	C-1	C-2	C-3	C-4	SPD -C	SPD -20	SED -80	CO	Hotel	O&S		SRO
AGRICULTURAL																
Agricultural Buildings	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Commercial Animal Production	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Commercial Crop Production (Indoor and Outdoor)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Livestock Shelters & Stables	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Plant Nurseries & Greenhouses	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Other Agricultural Uses (Excluding Backyard Chickens and Beekeeping)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
INSTITUTIONAL																
Adult Day Service Center	X	X	X	X	X	C	X	X	X	X	X	C	C	X	X	X
Child Day Care Center	X	C	X	X	X	C	X	X	X	X	X	C	C	X	X	X
Designated Public Events Site	X	X	X	X	X	X	X	X	X	X	X	C	C	X	X	X
Elementary School Complex	X	X	X	X	X	C	X	X	X	X	X	C	C	X	X	X
Governmental Offices	X	X	X	X	X	P	X	P	X	X	X	P	P	X	X	X

NCCGS Article 55)

TYPE OF USE	ZONING DISTRICTS										OVERLAY DISTRICTS					COMMENT
	R-1	R-2	R-3	CR	C-1	C-2	C-3	C-4	SPD -C	SPD -20	SED -80	CO	Hotel	O&S	SRO	
Municipal Public Works Facilities	X	X	X	X	X	X	C	X	X	X	X	X	X	X	X	
Municipally Owned Public Access Facilities	P	P	P	P	X	P	X	X	V	X	X	P	P	X	X	
Municipally Owned Recreation Facilities	X	C	X	X	X	P	X	X	X	X	X	P	P	X	X	
Museum	X	X	X	X	X	P	X	X	X	P	X	P	P	X	X	
Nonprofit/Community Outreach Centers	X	X	X	X	X	P	X	X	X	X	X	P	P	X	X	
Nonprofit Outreach Center with Aquatic Fitness Facilities	X	X	X	X	X	P	X	X	X	X	X	P	P	X	X	
Nursing Home and Convalescent Home	X	X	X	X	X	X	X	X	X	X	C	X	X	X	X	
Medical																
Alcohol & Drug Detoxification, Rehabilitation and Treatment Facilities with Overnight Stays	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Alcohol & Drug Outpatient Treatment Facilities	X	X	X	X	X	P	X	X	X	X	X	X	X	X	X	
Dialysis Center	X	X	X	X	X	P	X	X	V	X	X	P	P	X	X	
Hospital	X	X	X	X	X	X	X	X	V	X	X	X	X	X	X	

TYPE OF USE	ZONING DISTRICTS										OVERLAY DISTRICTS					COMMENT:
	R-1	R-2	R-3	CR	C-1	C-2	C-3	C-4	SPD -C	SPD -20	SED -80	CO	Hotel	O&S	SRO	
Laboratories	X	X	X	X	X	X	X	X	V	X	X	X	X	X	X	
Medical Offices	X	X	X	X	X	P	X	P	V	X	X	P	P	X	X	
Religious Institutions																
Accessory Church Schools	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Geneteries	X	X	C	X	X	X	X	X	X	X	C	X	X	X	X	
Churches and Religious Institutions	X	C	C	X	X	C	P	X	V	C	X	C	C	X	X	
Crematoriums (Human or Animal)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Customary Accessory Church Facilities	X	C	C	X	X	C	P	X	V	C	X	C	C	X	X	
COMMERCIAL																
Commercial/Residential Mixed Development	X	X	X	X	X	C	X	X	X	X	X	C	C	X	X	
Multiple Principal Uses within Single Commercial Structure	X	X	X	X	X	C	C	X	X	X	C	C	C	X	X	
Office/Retail Group Development	X	C	X	X	X	C	X	X	X	X	X	C	C	X	X	
Entertainment/ Recreation Facilities																

TYPE OF USE	ZONING DISTRICTS										OVERLAY DISTRICTS					COMMENT:
	R-1	R-2	R-3	CR	C-1	C-2	C-3	C-4	SPD -C	SPD -20	SED -80	CO	Hotel	O&S	SRO	
Electronic Gaming Operations	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	
Haunted House	X	X	X	X	X	C	X	X	X	X	X	C	C	X	X	
Horseback Tours	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Indoor Entertainment/ Recreation Facilities	X	X	X	X	X	C	X	X	V	X	X	C	C	X	X	
Nightclubs	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Skate Park Facility	X	X	X	X	X	C	X	X	X	X	X	C	C	X	X	
Theater	X	X	X	X	X	P	X	X	V	X	X	P	P	X	X	
Water-Dependent Commercial Outdoor Recreational Uses																
Commercial Marina	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Fishing Piers	X	C	X	C	C	C	X	X	X	X	X	C	C	X	X	
Boat Launching/Rental Facilities	X	X	X	X	X	X	X	X	X	X	P*	C	X	X	X	Municipal estuarine access only i SED-80*
Fishing Boat Rental	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	
Guide Boat Rental	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	
Tour Boat Rental (49 Passengers or Less)	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	

TYPE OF USE	ZONING DISTRICTS										OVERLAY DISTRICTS				COMMENT
	R-1	R-2	R-3	CR	C-1	C-2	C-3	C-4	SPD -C	SPD -20	SED -80	CO	Hotel	O&S	
Powered Watercraft, Runabout	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X
Small Fishing Skiff Rental	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X
Jet-Pack Rentals	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Parasail Rental	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X
Personal Watercraft	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X
Nonpowered and Wind Driven Boat Rentals	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X
Sailboat Rental	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X
Canoe Rental	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X
Kayak Rental	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X
Windsurfer Rental	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X
Pedal Boat Rental	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X
Land Dependent Commercial Outdoor Recreation Uses															
Campgrounds	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Farmer's Markets	X	X	X	X	X	C	X	X	X	X	X	C	C	X	X
Outdoor Bumper Boat Pool	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X

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TYPE OF USE	ZONING DISTRICTS										OVERLAY DISTRICTS				COMMENT	
	R-1	R-2	R-3	CR	C-1	C-2	C-3	C-4	SPD -C	SPD -20	SED -80	CO	Hotel	O&S		SRO
Go-Cart Rental	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	
Grass Surface Putting Course	X	X	X	X	X	X	X	X	Y	X	X	C	X	X	X	
Miniature Golf Course	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	
Outdoor Sport Climbing Wall	X	X	X	X	X	X	X	X	Y	X	X	C	X	X	X	
Aerial Adventure Park	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	
Outdoor Amusement Rides and Games (Accessory)	X	X	X	X	X	X	X	X	X	X	X	C	X	X	X	
Shooting Range Indoor & Outdoor	X	X	X	X	X	X	X	X	X	X	P*	X	X	X	X	Only for government police training
Office																
Business	X	X	X	X	X	P	P	P	Y	X	X	P	P	X	X	
Financial	X	X	X	X	X	P	P	P	Y	X	X	P	P	X	X	
General	X	X	X	X	X	P	P	P	Y	X	X	P	P	X	X	
Professional	X	X	X	X	X	P	P	P	Y	X	X	P	P	X	X	
Building Contractors Office	X	X	X	X	X	P	P	X	X	X	X	P	P	X	X	
Trade Association Office	X	X	X	X	X	P	P	X	X	X	X	P	P	X	X	

TYPE OF USE	ZONING DISTRICTS										OVERLAY DISTRICTS					COMMENT
	R-1	R-2	R-3	CR	C-1	C-2	C-3	C-4	SPD -C	SPD -20	SED -80	CO	Hotel	O&S	SRO	
Real Estate Rental Management Facility	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	
Offices with Outdoor Storage of Materials, Machinery and Commercial Vehicles	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	
Restaurant																
Restaurant	X	X	X	P	X	P	X	X	Y	X	X	P	P	X	X	
Restaurant with Multiple Principal Structures	X	X	X	X	X	C	X	X	X	X	X	C	C	X	X	
Restaurant with Detached Single-Family Dwelling	X	X	X	X	X	P	X	X	X	X	X	P	P	X	X	
Restaurant, Drive-In	X	X	X	X	X	C	X	X	Y	X	X	C	C	X	X	
Restaurant, Drive-Through	X	X	X	X	X	C	X	X	Y	X	X	C	C	X	X	
Restaurant, Neighborhood	X	X	X	X	X	P	X	X	X	X	X	P	P	X	X	
Restaurant, Take-Out	X	X	X	X	X	P	X	X	X	X	X	P	P	X	X	
Food Truck	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	

TYPE OF USE	ZONING DISTRICTS										OVERLAY DISTRICTS					COMMENT:
	R-1	R-2	R-3	CR	C-1	C-2	C-3	C-4	SPD -C	SPD -20	SED -80	CO	Hotel	O&S	SRO	
Retail Sales																
Drug Paraphernalia Sales	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Auction Houses	X	X	X	X	X	P	X	X	X	X	X	P	P	X	X	
Automobile Dealership	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Beach Recreation Equipment Rentals and Sales	X	X	X	X	X	P	X	X	V	X	X	P	P	X	X	
Automated Ice Vending Machines	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Smoke and Vapor Shops	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Retail Shopping Center	X	X	X	X	X	C	X	X	V	X	X	C	C	X	X	
Antiques	X	X	X	X	X	P	X	P	V	X	X	P	P	X	X	
Appliances	X	X	X	X	X	P	X	X	V	X	X	P	P	X	X	
Bicycles	X	X	X	X	X	P	X	X	V	X	X	P	P	X	X	
Boat Sales and Service	X	X	X	X	X	P	X	X	V	X	X	P	P	X	X	
Bookstores	X	X	X	X	X	P	X	X	V	X	X	P	P	X	X	
Cameras	X	X	X	X	X	P	X	X	V	X	X	P	P	X	X	
Candy	X	X	X	X	X	P	X	X	V	X	X	P	P	X	X	
Clothing	X	X	X	X	X	P	X	X	V	X	X	P	P	X	X	

TYPE OF USE	ZONING DISTRICTS								OVERLAY DISTRICTS					COMMENT:	
	R-1	R-2	R-3	CR	C-1	C-2	C-3	C-4	SPD -C	SPD -20	SED -80	CO	Hotel		O&S
Computers	X	X	X	X	X	P	X	X	V	X	X	P	P	X	X
Craft Goods	X	X	X	X	X	P	X	X	V	X	X	P	P	X	X
Drugstores	X	X	X	X	P	P	X	X	V	X	X	P	P	X	X
Dry goods	X	X	X	X	X	P	X	X	V	X	X	P	P	X	X
Flowers, Greenhouses and Plant Nurseries	X	X	X	X	X	P	X	X	V	X	X	P	P	X	X
Food stores	X	X	X	X	P	P	X	X	V	X	X	P	P	X	X
Gifts	X	X	X	X	X	P	X	X	V	X	X	P	P	X	X
Hardware	X	X	X	X	X	P	X	X	V	X	X	P	P	X	X
Hobby goods	X	X	X	X	X	P	X	X	V	X	X	P	P	X	X
Jewelry	X	X	X	X	X	P	X	P	V	X	X	P	P	X	X
Magazines	X	X	X	X	X	P	X	X	V	X	X	P	P	X	X
Musical Instruments	X	X	X	X	X	P	X	X	V	X	X	P	P	X	X
Notions	X	X	X	X	X	P	X	X	V	X	X	P	P	X	X
Owner Occupied Art Gallery	X	X	X	X	X	P	X	X	X	X	X	P	P	X	X
Pet Shop	X	X	X	X	X	C	X	X	V	X	X	C	C	X	X
Sporting Goods	X	X	X	X	X	P	X	X	V	X	X	P	P	X	X

TYPE OF USE	ZONING DISTRICTS										OVERLAY DISTRICTS					COMMENT
	R-1	R-2	R-3	CR	C-1	C-2	C-3	C-4	SPD -C	SPD -20	SED -80	CO	Hotel	O&S	SRO	
Toys	X	X	X	X	X	P	X	P	V	X	X	P	P	X	X	
Coffee Shops	X	X	X	X	X	P	X	X	V	X	X	P	P	X	X	
Outdoor Stands as an Accessory Use to Retail Shopping Centers	X	X	X	X	X	P	X	X	V	X	X	P	P	X	X	
Services																
Automobile Service Stations and Repair Garage	X	X	X	X	X	C	X	X	V	X	X	C	C	X	X	
Aerobics Class/Dance School/Karate School	X	X	X	X	X	P	P	X	V	X	X	P	P	X	X	
Barbershops and Beauty Shops	X	X	X	X	P	P	X	X	V	X	X	P	P	X	X	
Burglar Alarm, Security System Sales and Service	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	
Dry Cleaning and Laundry Pickup Stations, Including Laundromats	X	X	X	X	P	P	X	X	V	X	X	P	P	X	X	
Funeral Homes	X	X	X	X	X	P	X	X	V	X	X	P	P	X	X	
Parking Lots	X	X	X	X	X	P	X	X	X	X	X	P	P	X	X	
Car Washes	X	X	X	X	X	C	X	X	V	X	X	C	C	X	X	
Radio and Television Broadcasting Studios	X	X	X	X	X	P	X	X	X	X	X	P	P	X	X	

TYPE OF USE	ZONING DISTRICTS										OVERLAY DISTRICTS					COMMENT
	R-1	R-2	R-3	CR	C-1	C-2	C-3	C-4	SPD -C	SPD -20	SED -80	CO	Hotel	O&S	SRO	
Shoe Repair	X	X	X	X	X	P	X	X	Y	X	X	P	P	X	X	
Indoor Fitness Center	X	X	X	X	X	P	X	X	X	X	X	P	P	X	X	
Taxi and Limousine Service	X	X	X	X	X	P	P	X	Y	X	X	P	P	X	X	
Indoor Public Assembly	X	X	X	X	P	P	X	X	Y	X	X	P	P	X	X	
Bail Bond Services	X	X	X	X	X	P	X	X	X	X	X	P	P	X	X	
Massage Therapy Centers	X	X	X	X	X	C	X	X	X	X	C	C	C	X	X	
Home Occupation	P	P	P	P	P	P	X	P	Y	P	P	P	P	X	P	
Veterinary Clinic	X	X	X	X	X	C	X	P	Y	X	X	C	C	X	X	
Animal Boarding Kennel	X	X	X	X	X	C	X	X	Y	X	X	C	C	X	X	
Food Bank	X	X	X	X	X	C	X	X	X	X	X	C	C	X	X	
Carpet Sales and Installation	X	X	X	X	X	X	P	X	Y	X	X	X	X	X	X	
Fire Safety Equipment Sales and Service	X	X	X	X	X	X	P	X	Y	X	X	X	X	X	X	
Locksmiths	X	X	X	X	X	X	P	X	Y	X	X	X	X	X	X	
Telecommunications Sales and Service	X	X	X	X	X	X	P	X	Y	X	X	X	X	X	X	
Wallpaper Sales and Installation	X	X	X	X	X	X	P	X	Y	X	X	X	X	X	X	

TYPE OF USE	ZONING DISTRICTS										OVERLAY DISTRICTS					COMMENT
	R-1	R-2	R-3	CR	C-1	C-2	C-3	C-4	SPD -C	SPD -20	SED -80	CO	Hotel	O&S	SRO	
Water Well Drillers Office, Storage, Sales and Install	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	
Sexually Oriented Business	X	X	X	X	X	X	C	X	X	X	X	X	X	X	X	
INDUSTRIAL																
Energy Facilities																
Satellite Dish Farms	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Solar Energy Farms	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Solar Energy Systems (Accessory)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Wind Energy Facilities (Commercial)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Wind Energy Facilities (Accessory)	P	P	P	P	X	P	X	X	P	P	P	P	P	P	P	
Other Energy Facilities	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Manufacturing, Processing and Assembly Facilities																
Asphalt and Concrete Plants	X	X	X	X	X	X	C	X	X	X	X	X	X	X	X	
Assembly or Packaging of Articles	X	X	X	X	X	X	C	X	X	X	X	X	X	X	X	

TYPE OF USE	ZONING DISTRICTS											OVERLAY DISTRICTS					COMMENT:
	R-1	R-2	R-3	CR	C-1	C-2	C-3	C-4	SPD -C	SPD -20	SED -80	CO	Hotel	O&S	SRO		
Beverage Manufacturing, Bottling and Processing Facilities	X	X	X	X	X	X	C	X	X	X	X	X	X	X	X		
Brick and Masonry Facilities	X	X	X	X	X	X	C	X	X	X	X	X	X	X	X		
Electrical Equipment Assembly	X	X	X	X	X	X	C	X	X	X	X	X	X	X	X		
Fine Craft and Folk Art Production	X	X	X	X	P	P	P	P	X	X	X	P	P	X	X		
Foundries	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Manufacturing, Processing, Assembly and Other Industrial Facilities	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Metal Products Facilities (Fabrication and Assembly)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Recycling Materials Collection and Processing	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Resource Extraction Facilities	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Stone Cutting, Shaping and Finishing Facilities	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X		
Waste Recovery Facility	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Canvas, Fabric and Upholstery Fabrication	X	X	X	X	X	P	X	X	X	X	X	X	X	X	X		

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TYPE OF USE	ZONING DISTRICTS										OVERLAY DISTRICTS				COMMENT:	
	R-1	R-2	R-3	CR	C-1	C-2	C-3	C-4	SPD -C	SPD -20	SED -80	CO	Hotel	O&S		SRO
Screen Printing Facility	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Trade Centers or Multi-Use Buildings	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Warehousing																
<u>Warehousing & Storage Facilities</u>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Mini Storage (Self-Storage) Complex	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Junk Yards, Scrap Yards and Salvage Facilities	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Landfills and Solid Waste Disposal Facilities	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
<u>Outdoor Storage of Construction Equipment & Materials</u>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Outdoor Storage in Crates, Trailers and Storage Units (PODS)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Outdoor Storage of Vehicles, Equipment and Other Goods	X	X	X	X	X	P	X	X	X	X	X	X	X	X	X	
<u>Other Warehousing/Storage Facilities</u>	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	

TYPE OF USE	ZONING DISTRICTS										OVERLAY DISTRICTS					COMMENT
	R-1	R-2	R-3	CR	C-1	C-2	C-3	C-4	SPD -C	SPD -20	SED -80	CO	Hotel	O&S	SRO	
Open Space																
Infrastructure in Support of a Retail Shopping Center in Adjoining C2	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	
Indoor Training Facility for Dog Agility	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	
Internet or Electronic Sweepstakes Machines as defined in Section 48-7 and 48-376 as an Accessory Use.	X	X	X	X	X	X	P	X	X	X	X	X	X	X	X	
Public Utility Facilities	C	C	C	C	C	C	C	X	V	C	C	C	C	X	X	
TRANSPORTATION																
Aircraft Hangars	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Airports & Airfields	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Heliports	X	X	X	X	X	X	X	X	V	C	X	X	X	X		
Bus, Truck & Transportation Terminals, Yards & Parking Lots	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Distribution Centers, Parcel Delivery Centers & Delivery Warehouses	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Pedicab Storage and Dispatch	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	

TYPE OF USE	ZONING DISTRICTS										OVERLAY DISTRICTS				COMMENT	
	R-1	R-2	R-3	CR	C-1	C-2	C-3	C-4	SPD -C	SPD -20	SED -80	CO	Hotel	O&S		SRO
Taxi and Limousine Service	X	X	X	X	X	P	X	X	X	X	X	X	X	X	X	
Transit Stops	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Parking Garages, Single and Multi-Story	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Other Transportation Related Facilities	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
WIRELESS TELECOMMUNICATION SYSTEMS																
Major Communication Towers	X	X	C	X	X	X	C	X	X	X	X	X	X	X	X	
Minor Communication Towers	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Concealed Building Mounted Antenna Installed Flush with Roofline.	X	X	X	P	X	P	X	X	X	X	X	P	P	X	X	
Concealed Building Mounted Antenna not Meeting 48-407(b)(12)	X	X	X	X	X	C	X	X	X	X	X	C	C	X	X	
Unattended Telephone Switching Stations and Electric Substations	X	X	X	X	X	X	C	X	Y	X	X	X	X	X	X	

(5) SPD-C, Special Planned Development-Community District (Village at Nags Head) Prohibited and Permitted Uses Chart

TYPE OF USE	C-1	C-2	I	Hotel	Detached SF	Attached SF	Multi-family	Town-house	Recreation
RESIDENTIAL									
Detached Single-Family Dwelling	X	P	X	P	P	P	P	P	X
Duplex	X	X	X	X	X	X	P	P	X
Large Residential Dwellings	X	X	X	X	P	P	P	P	X
Townhouse	X	X	X	X	X	X	X	P	X
Accessory Security and Management Offices, Swimming Pools, and Tennis Courts	X	X	X	X	X	X	X	P	X
Hotel	X	X	X	P	X	X	X	X	X
Motel	X	X	X	P	X	X	X	X	X
Motor Lodge/Motor Inn	X	X	X	P	X	X	X	X	X
Hotel Condominium	X	X	X	P	X	X	X	X	X
Wind Energy Facility as Accessory to Single-Family Residential	X	X	X	X	P	P	P	P	X
COMMERCIAL									
Community Shopping Mall	P	X	X	X	X	X	X	X	X
Regional Shopping Mall	P	X	X	X	X	X	X	X	X
Neighborhood Shopping Cluster	X	P	X	X	X	X	X	X	X
Office Cluster	X	P	X	X	X	X	X	X	X
Outdoor Stands (Accessory to Shopping Mall/Neighborhood Shopping Cluster)	P	P	X	X	X	X	X	X	X

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TYPE OF USE	C-1	C-2	I	Hotel	Detached SF	Attached SF	Multi-family	Town-house	Recreation
Indoor Public Assembly	P	C	X	X	X	X	X	X	X
Automobile Sales and Rental	P	X	X	X	X	X	X	X	X
Bakery and Delicatessen	P	X	X	X	X	X	X	X	X
Business and Vocational School	P	X	X	X	X	X	X	X	X
Financial Institution	P	X	X	X	X	X	X	X	X
Greenhouse and Plant Nursery	P	X	X	X	X	X	X	X	X
Home Center	P	X	X	X	X	X	X	X	X
Newspaper Printing and Publishing	P	X	X	X	X	X	X	X	X
Office, Including, Business, Financial, Governmental, Medical and Professional	P	P	X	P	X	X	X	X	X
Personal Service Establishment, Including Barbershop and Beauty Shop, Shoe Repair Shop, Cleaning, Dyeing, Laundry, Pressing, Dressmaking, Tailoring, and Garment Repair Shop with Processing on the Premises	P	P	X	X	X	X	X	X	X
Production and Repair Facility for Eyeglasses, Hearing Aids, and Prosthetic Devices	P	X	X	X	X	X	X	X	X
Restaurant	P	X	X	P	X	X	X	X	X
Restaurant, Drive-Through	C	C	X	X	X	X	X	X	X

TYPE OF USE	C-1	C-2	I	Hotel	Detached SF	Attached SF	Multi-family	Town-house	Recreation
Restaurant, Drive-In Retail Establishment, Including the Incidental Manufacturing, Repair or Service of Goods on the Premises, Retail Sales, Display Rooms, and Wholesale and Distribution Operations in Connection with a Retail Establishment	C	C	X	C	X	X	X	X	X
Theater	P	X	X	X	X	X	X	X	X
Veterinary Establishment and Commercial Kennel	P	C	X	X	X	X	X	X	X
Aerobic Class/Dance Studio/Karate School	P	P	X	X	X	X	X	X	X
Automobile Service Station	C	C	X	X	X	X	X	X	X
Automobile Repair Garage	X	C	X	X	X	X	X	X	X
Child Day Care Center	C	X	X	C	X	X	X	X	X
Funeral Homes	X	P	X	X	X	X	X	X	X
Beach Recreation Equipment Rentals and Sales	X	P	X	X	X	X	X	X	X
Taxi and Limousine Service	X	P	X	X	X	X	X	X	X
Attended Car Wash	X	C	X	X	X	X	X	X	X
Pet Shop	X	C	X	X	X	X	X	X	X
INSTITUTIONAL									
Medical Laboratory	P	X	X	X	X	X	X	X	X
Hospital	X	X	X	X	X	C	X	X	X
Telephone Switching Station/Electric Substation	C	C	C	C	C	C	C	X	X

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TYPE OF USE	C-1	C-2	I	Hotel	Detached SF	Attached SF	Multi-family	Town-house	Recreation
Religious Complex	X	C	X	X	X	X	X	X	X
Municipal Building Including Fire Station, Police Station, and Administrative Office	X	X	P	X	X	X	X	X	X
Wastewater Treatment Plant	X	X	P	X	X	X	X	X	X
RECREATIONAL									
Indoor Recreational Facility	P	X	X	X	X	X	X	X	X
Sport Climbing Wall	X	C	X	X	X	X	X	X	X
Grass Surface Putting Course	X	C	X	X	X	X	X	X	X
Golf Course Maintenance Facility	X	X	P	X	X	X	X	X	X
Commercial and Recreational Uses as Accessory to Hotel (i.e. Bath and Tennis Club, Restaurant, and Gifts/Specialty Shop).	X	X	X	P	X	X	X	X	X
Open Space	X	X	X	X	X	X	X	X	P
Beach and Tennis Club	X	X	X	X	X	X	X	X	P
Golf Club and Golf Course	X	X	X	X	X	X	X	X	P
Beach Access and Bathhouse	X	X	X	X	X	X	X	X	P
TRANSPORTATION									
Heliports	X	X	X	X	X	C	X	X	X

Part III. That **Sec. 48-72, Use Occupancy and Construction** be amended as follows:

No building, structure or land shall hereafter be used or occupied, and no structure or part thereof shall hereafter be constructed except in conformity with all of the regulations specified in this chapter for the district in which it is located. Permitted and conditional uses are listed by district within the schedule of district regulations.

If a use is deemed to be an unlisted use that is not prohibited, the use shall be considered as a conditional use using the more restrictive requirements of (1) the most restrictive use in the district; or (2) the requirements and restrictions of the use with the most similar impacts found in another district. It is specifically intended that all floating structures and buildings, as well as buildings and structures built over water, shall meet all of the requirements of this chapter.

Part IV. That **Sec. 48-406(b), Permitted Uses within the C-1, Neighborhood Commercial District** be amended as follows:

(10) Fine Craft and Folk Art.

Part V. That **Sec. 48-407, Uses within the C-2, General Commercial Zoning District** be amended as follows:

(b) Permitted Uses. The following uses shall be permitted by right in the C-2 district:

(1) Offices, including

e. Medical, including outpatient alcohol and drug rehabilitation facilities.

(14) Fine Craft and Folk Art.

Part VI. That **Sec. 48-408(b), Permitted Uses within the C-3, Commercial Services District** be amended as follows:

(b) Permitted Uses. The following uses shall be permitted by right in the C-3 District:

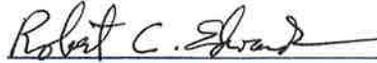
(22) Fine Craft and Folk Art.

Part VII. That **Sec. 48-409(b), Permitted Uses within the C-4, Village Commercial Zoning District** be amended as follows:

(9) Veterinary Office and Clinic provided that all pens and kennels are in an enclosed, air conditioned building, that there are no outdoor runs and boarding of animals is limited to that which is necessary for pre- and post-treatment observation and care.

(10) Fine Craft and Folk Art.

Part VIII. 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 **17th** day of **May 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: May 17, 2017

Motion to adopt by Commissioner _____
Motion seconded by Commissioner _____
Vote: _____ AYES _____ NAYS