



**AN ORDINANCE AMENDING THE TOWN CODE OF THE
TOWN OF NAGS HEAD, NORTH CAROLINA AS IT PERTAINS
TO THE CREATION OF THE C-5 HISTORIC CHARACTER
COMMERCIAL ZONIG DISTRICT**

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

PART I. That **Section 12-143, Licensing of sexually oriented businesses**, be amended as follows:

The following license provisions and regulations are ordained for the purpose of operating a sexually oriented business:

(2) Every application for a sexually oriented business license prescribed in this section shall be upon a form approved by the town manager and shall be filed with the town clerk. An application shall be made under oath and shall contain the following information:

i. A current certificate and straight-line drawing prepared by a registered land surveyor depicting the property lines and the structure containing the proposed sexually oriented business and its distance from existing land uses to include, but not be limited to, established dwellings within the C-3 commercial services zoning district, residential zoning districts (R-1, R-2, R-3, C-4, **C-5**, SPD-20, SPD-C, CR), other sexually oriented business, religious complexes, libraries, schools, state licensed child day care centers, public playgrounds, public swimming pools, public parks, and any outdoor recreational use.

PART II. That **Section 16-73, Maximum permitted sound levels by zoning district**, be amended as follows:

Table 1
Maximum Sound Pressure Levels
Maximum Permitted Sound Levels by Zoning District

Zoning District	Time (Local Time)	Maximum Sound Level Limit (dBA)
Residential (R-1, R-2, R-3, SPD-20, SED-80, SPD-C, CR, and C-4)	7:00 a.m.-11:00 p.m. 11:00 p.m.-7:00 a.m.	57 52
Commercial (C-1, C-2, C-5 including the commercial outdoor recreational overlay district)	7:00 a.m.-11:00 p.m. 11:00 p.m.-7:00 a.m.	65 60
Commercial services (C-3)	7:00 a.m.-11:00 p.m. 11:00 p.m.-7:00 a.m.	65 60

PART III. Effective Date.

This ordinance amendment shall be in full force and effect upon the date of adoption by the Board of Commissioners.

Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

John Leidy, Town Attorney

Date adopted: _____

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: AYES NAYS _____