



MEMORANDUM

Town of Nags Head

Planning & Development Department

To: Planning Board

From: Kelly Wyatt, Planning Director
Joseph Costello, Deputy Planning Director

Date: July 11, 2024

Subject: Consideration of a text amendment to the Unified Development Ordinance to modify the definition of "Religious Complex".

BACKGROUND

Joseph Anlauf, P.E., of Anlauf Engineering, PLLC has submitted the attached text amendment request on behalf of the Ark Church. If adopted, the text amendment would modify the definition of "Religious Complex" to allow for the construction of a single-family dwelling, in addition to the already permitted parsonage, as a residence for church staff.

The current definition of "Religious Complex" within the Unified Development Ordinance is below:

***"Religious complex** means a church (a building primarily used for public divine worship) or a church and any related structures including a parsonage, fellowship halls, educational buildings, youth centers, recreational facilities (which include playgrounds), day care centers, parochial schools or similar structures or areas located on a single site."*

The applicant has noted in the application that the amendment is designed to allow religious complexes the ability to include additional affordable housing options for church staff and their families. More affordable housing options will allow the church to attract and retain additional much needed church staff.

Staff believes that permitting religious complexes to build a single-family dwelling onsite for church staff can offer significant benefits to the church, its staff, and the community, provided all zoning and building regulations are met. Onsite residences could enhance community engagement, ensure staff availability for church-related events and activities, and provide a constant presence to quickly respond to any emergencies involving the church. As noted by the applicant, this capability could be particularly beneficial for attracting and retaining qualified and dedicated staff in an area with high living costs.

It is important to note that nothing in this proposal would eliminate the need for any single-family dwelling associated with a religious complex to comply with all relevant zoning and building standards, such as compliance with principal structure setbacks, building separation, access, parking, lot coverage, stormwater management, and architectural design, if applicable.

POLICY CONSIDERATIONS

LU-9, Encourage land uses that serve the needs of both year-round and seasonal residents in support of the town's overall vision for the community.

LU-27, Promote and expand the types of housing and accommodations for varying income levels, aging populations, and the seasonal workforce within the town.

STAFF ANALYSIS AND RECOMMENDATION

Planning staff finds the proposed text amendment to be consistent with the 2017 Comprehensive Land Use Plan and recommend adoption of the amendment as presented.

Planning Staff and the applicant will be available at the Planning Board's July 16, 2024, meeting to discuss this proposed text amendment further.

With regard to the Planning Board's review and action, Staff recommends consideration of the following UDO provisions:

3.5.3. Action by the Planning Board.

3.5.3.1. Every proposed amendment, UDO text amendment or zoning map amendment, shall be referred to the Planning Board for its recommendation and report. The Board of Commissioners is not bound by the recommendations, if any, of the Planning Board.

3.5.3.2. Prior to the consideration by the Board of Commissioners of a proposed UDO text amendment or zoning map amendment, the Planning Board shall advise and comment on whether the proposed amendment is consistent with the Comprehensive Plan. The Planning Board shall provide a written recommendation, certified by the UDO Administrator, to the Board of Commissioners that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the Comprehensive Plan shall not preclude consideration or approval of the proposed amendment by the Board of Commissioners.

3.5.3.3. Members of the Planning Board shall not vote on recommendations regarding any UDO text amendment or zoning map amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

(DRAFT)
**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF
NAGS HEAD, NORTH CAROLINA AS IT PERTAINS TO THE DEFINITION OF “RELIGIOUS
COMPLEX”**

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, Mr. Joseph Anlauf, P.E. has submitted a text amendment application on behalf of the Ark Church Outer Banks to modify the definition of “Religious Complex” to allow for the construction of single-family dwellings for the purpose of housing church staff;

WHEREAS, the requested amendment is consistent with the 2017 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 **Appendix A – Definitions**, be amended as follows:

Religious complex means a church (a building primarily used for public divine worship) or a church and any related structures including a parsonage, one (1) additional single-family dwelling for housing church staff, fellowship halls, educational buildings, youth centers, recreational facilities (which include playgrounds), day care centers, parochial schools or similar structures or areas located on a single site.

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 ___ day of ____ 2024.

Benjamin Cahoon, Mayor

ATTEST:

Town Clerk

APPROVED AS TO FORM:

Town Attorney

Date adopted: _____

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS

March 25, 2024

Ms. Kelly Wyatt, Planning & Development Director
Town of Nags Head
P.O. Box 99
Nags Head, NC 27959

Re: **Proposed Text Amendment**
Town of Nags Head Unified Development Ordinance

Dear Kelly;

On behalf of the Ark Church- Outer Banks, Anlauf Engineering, PLLC is presenting a request to modify the definition of a Religious Complex as it appears in the Appendix A – Definitions, to include an additional single family residence for church staff. Please see the following proposed amendment language.

The current definition as it appears in the ordinance is as follows:

Religious complex means a church (a building primarily used for public divine worship) or a church and any related structures including a parsonage, fellowship halls, educational buildings, youth centers, recreational facilities (which include playgrounds), day care centers, parochial schools or similar structures or areas located on a single site.

The proposed text amendment is as follows:

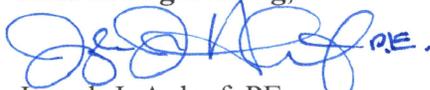
*Religious complex means a church (a building primarily used for public divine worship) or a church and any related structures including a parsonage, **one (1) additional single family housing facility for other church staff**, fellowship halls, educational buildings, youth centers, recreational facilities (which include playgrounds), day care centers, parochial schools or similar structures or areas located on a single site.*

No language has been redacted from the existing definition. The definition has been expanded to include the ability for a religious complex to include one (1) additional single family housing facility for other church staff in addition to the existing allowance for a parsonage. This text amendment is designed to allow religious complexes to have the ability to include additional affordable housing options for church staff and their families. More affordable housing options will allow the church to attract and retain additional much needed church staff.

Please call with any questions.

Sincerely,

Anlauf Engineering, PLLC


Joseph J. Anlauf, PE