



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

BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that Chapter 48, Zoning, of the Code of Ordinances shall be amended as follows:

PART I. That **Section 48-441(c), Conditional Uses within the SPD-20, Special Planned Development District**, be amended as follows:

(c) Conditional uses. The following uses shall be permitted in the SPD-20 district, subject to the requirements of this SPD-20 district and additional regulations and requirements imposed by the board of commissioners as provided in article XIV of this chapter:

(1) Religious complexes, subject to other requirements of this chapter and provided the following conditions are met:

a. All structures within the religious complex shall be separated by a minimum of 30 feet.

b. No structure shall be located closer than 25 feet to a common property line, nor closer than 30 feet to an abutting street or highway right-of-way.

c. The ratio of total floor area to total site area shall not exceed one to six.

d. All parking areas shall be buffered from abutting residential districts or uses in accordance with article XIII, section 48-482(4), buffer yard D.

e. Lot coverage shall not exceed 30 percent, however, the total lot coverage may be increased to 45 percent when on-site stormwater facilities are designed to retain and infiltrate on site the runoff from the first two inches from a storm event.

(f) Child Day Care Center as an Accessory Use to Religious Complex subject to the following conditions:

(i) The facility shall adhere to the minimum requirements of and be licensed by the state department of human resources, division of facility services, child day care section.

(ii) Pickup and dropoff areas shall be provided separate from the drive-aisle. The pickup and dropoff areas shall be designed so that no child is required to cross the parking lot or any other traffic areas.

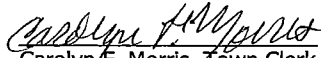
(iii) All outdoor recreational areas shall be buffered from adjacent residential uses and districts (R-1, R-2, R-3, CR, SED-80, SPD-20, and SPD-C) in accordance with section 48-482(3), buffer yard C. The buffer shall be placed on the exterior side of any required fencing.

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 5th day of October 2011.



Robert O. Oakes, Jr., Mayor
Town of Nags Head

ATTEST:


Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

John Leidy, Town Attorney

Date adopted: October 5, 2011

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS



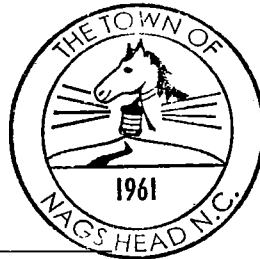
**TOWN OF NAGS HEAD
STATEMENT OF CONSISTENCY
WITH THE LAND USE PLAN FOR A ZONING TEXT AMENDMENT**

BE IT HEREBY RESOLVED by the Board of Commissioners for the Town of Nags Head, that in accordance with provisions of North Carolina General Statute 160A-383, the Board of Commissioners hereby finds and determines that the adoption of the requested zoning text amendment to amend Town Code Section 48-441(c), Conditional Uses within the SPD-20, Special Planned Development District, to allow the use of Child Day Care Center as an accessory use to Religious Complex within the SPD-20 District as a *conditional use*.

Is consistent with the goals, objectives and policies of the Town's adopted Land Use Plan, and that this action is reasonable and in the public interest because it:

- Supports the Town's Vision Statement to provide locally owned and operated businesses that share in the building of our community (p. 7); and
- Supports the Land Use Plan Policy of maintaining the Town's self-sufficiency by providing adequate services and amenities for residents and visitors (p.97)

READ, APPROVED AND ADOPTED by a vote of 5 to 0, this the 5th day of October 2011.



Robert O. Oakes Jr., Mayor

ATTEST:

Carolyn Morris, Town Clerk

Cliff Ogburn, Town Manager