



**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 an applicant to allow detached accessory medical office buildings as an accessory use to hospitals with a reduced setback adjacent to residential areas.

WHEREAS, setbacks are designed to provide adequate transitions between different land uses and the proposed setback preserves the spirit and intent of the ordinance with respect to land use compatibility;

WHEREAS, the Town further finds that in accordance with the findings above it is in the interest of and 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 **48-866(c)(2), Hospitals as a Conditional Use in the Attached Single Family Dwelling District**, be amended as follows:

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

(2) Hospitals, provided that the following conditions are met:

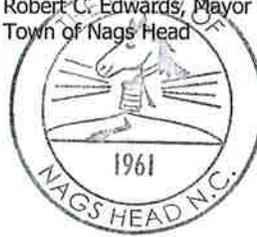
r. Hospitals may have detached medical offices as an accessory use on-site provided the following conditions are met:

1. The building setbacks shall be:
 - i. From the US 158 right-of-way: 40 feet
 - ii. From any residential use: 50 feet
 - iii. From any commercial use: 50 feet
2. The maximum building height shall be 35 feet.

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 2nd day of November 2016.

Robert C. Edwards

Robert C. Edwards, Mayor
Town of Nags Head



ATTEST:

Carolyn F. Morris
Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

John Leidy
John Leidy, Town Attorney

Date adopted: November 2, 2016

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