



**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF  
 NAGS HEAD, NORTH CAROLINA PERTAINING TO PROPOSED NEW USE  
 "TUTORING FACILITY/LEARNING CENTER"**

**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 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. § 160A-363, which allows the Town to combine certain land development ordinances into a unified ordinance; and

**WHEREAS**, a text amendment application has been submitted requesting consideration be given to permitting "tutoring facility/learning center" within the C-2, General Commercial Zoning District' and

**WHEREAS**, the Town of Nags Head 2017 Comprehensive Plan includes policies supporting land uses that serve the needs of both year-round and seasonal residents in support of the town's overall vision for the community and to support and foster small, local businesses that preserve and uphold the vision and legacy of the town.

**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 **Section 6.6 Table of Uses and Activities** be amended as follows:

Use Category/Class	Use Type	Residential Districts			Commercial Districts				
		R-1	R-2	R-3	CR	C-1*	C-2	C-3	C-4
<u>Service</u>	<u>Tutoring Facility/Learning Center</u>						P		

PART II. That **Section 10.16 Required Parking by Use** be amended as follows:

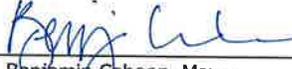
Use Category/Class	Use Type	Required Parking
<u>Service</u>	<u>Tutoring Facilities/Learning Center</u>	<u>One parking space for each 300 square feet of gross floor area.</u>

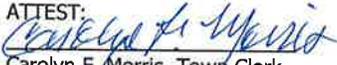
PART III. That Appendix A Definitions, be amended as follows: Section

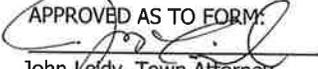
A.4 – Definitions

Tutoring Facility/Learning Center means a private, for profit or non-profit, use for the instruction of students in subjects and materials commonly taught in primary and secondary schools, for test-preparation, or the teaching of music and visual arts.

PART IV. 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 3<sup>rd</sup> day of June 2020.

  
Benjamin Cahoon, Mayor  
Town of Nags Head

ATTEST:  
  
Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:  
  
John Leidy, Town Attorney



Date adopted: June 3, 2020

Motion to adopt by Commissioner \_\_\_\_\_

Motion seconded by Commissioner \_\_\_\_\_

Vote: AYES \_\_\_\_\_ NAYS \_\_\_\_\_