



# Agenda Item Summary Sheet

Item No: **D-4**  
Meeting Date: **May 6, 2020**

**Item Title:** Request for Public Hearing to consider a text amendment to the Unified Development Ordinance to allow "Tutoring Facility/Learning Center" as a permitted use within the C-2, General Commercial Zoning District

**Item Summary:**

Kim Cowen and Megan Dixon have submitted a text amendment request to the Unified Development Ordinance which, if adopted, would permit "Tutoring Facility/Learning Center" as a permitted use within the C-2, General Commercial Zoning District. The applicants would like to offer tutoring, both part- and full-time, to registered homeschooled children, ages 6 and up.

**Staff Recommendation/Planning Board Recommendation**

Planning staff finds that the proposal is consistent with the 2017 Comprehensive Land Use Plan and the desire to 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. Staff would recommend that the use be listed under the *Service* category in the Table of Uses and Activities and be defined as follows:

*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 music and visual arts.*

Staff recommends adoption of the proposed amendment as presented. At their April 21, 2020 meeting the Planning Board voted unanimously to recommend adoption of the text amendment as presented.

Number of Attachments: 1

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**Specific Action Requested:**

Schedule the Public Hearing.

Submitted By: Planning and Development

Date: April 23, 2020

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**Finance Officer Comment:**

N/A

Signature: Amy Miller

Date: April 28, 2020

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**Town Attorney Comment:**

N/A

Signature: John Leidy

Date: April 28, 2020

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**Town Manager Comment and/or Recommendation:**

N/A

Signature: Cliff Ogburn

Date: April 28, 2020



(DRAFT)  
**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
Service	<u>Tutoring Facility/Learning Center</u>						<u>P</u>		

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 \_\_\_ day of \_\_\_ 2020.

\_\_\_\_\_  
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