

**(DRAFT)**  
**AN ORDINANCE AMENDING THE CODE OF ORDINANCES  
OF THE TOWN OF NAGS HEAD, NORTH CAROLINA TO CLARIFY AND CORRECT  
IDENTIFIED TYPOGRAPHICAL ERRORS WITHIN THE UDO.**

**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**, following adoption of the Unified Development Ordinance, Planning Staff has identified several unintended errors within the text of the Ordinance, necessitating amendment to correct; and

**WHEREAS**, the Town of Nags Head 2017 Comprehensive Plan includes goals and policies aimed at maintaining a well-run and efficient government that provides high quality and cost-effective services through good governance in order to advance the Town’s vision; and

**WHEREAS**, the Board of Commissioners finds that these text amendments are consistent with the goals, objectives and policies of the Town’s adopted Comprehensive Plan, and that this action is reasonable and in the public interest, and is in the interest of and not contrary to the public’s health, safety, morals and general welfare for the Town to amend the Towns Unified Development Ordinance 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 the Unified Development Ordinance.**

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that the Unified Development Ordinance of the Town Code shall be amended as follows:

PART I. That the **definition of Post-FIRM as contained in Appendix A. Definitions, of the Unified Development Ordinance**, be amended as follows:

**Post-FIRM** means construction or other development for which the start of construction occurred on or after ~~December 31, 1974~~ November 10, 1972, the effective date of the initial Flood Insurance Rate Map.

PART II. That **Section 3.5.3.3, Action by the Planning Board, of the Unified Development Ordinance**, be amended as follows:

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~~ matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member.

PART III. That **Section 4.12.2.1, For All Types of Development Activity, of the Unified Development Ordinance**, be amended as follows:

***4.12.2. Specific Site Plan Requirements Based on the Proposed Activity.***

***4.12.2.1 For All Types of Development Activity.***

- Site plan/survey
  - Property information- address, ownership, lot number/map book/page reference
  - Existing and proposed development including but not limited to streets, topographic and natural features, and drainage
- Coastal Area Management Act (CAMA) Permit.
- Wastewater approval from Dare County Health Department or NC Department of Environmental Quality.
- Erosion control approval is issued with general development for projects disturbing more than 5,000 square feet (see Article 11, Part II).
- Flood (if in a Special Flood Hazard Area, Shaded X, or X Zone, see Article 11, Part III).
- Stormwater management (~~for projects which propose filling greater than one foot or for all new commercial construction, see Article 11, Part I~~ as required by Article 11, Part I, for projects involving, but not limited to, commercial, mixed use, and multi-family development or redevelopment, new detached single-family and duplex residential properties, existing single-family and duplex residential properties where more than 500 square feet of new built-upon area is being added, and/or the removal or replacement of driveways).
- Architecture (for residential structures greater than 3,500 square feet, see UDO Section 7.4, Dwelling, Large Residential)
- Utility connections (see Town Code Chapter 44).
- Any other State or Federal Permits

PART IV That **Section 6.2.4.1. C-1 Neighborhood Commercial District of the Unified Development Ordinance**, be amended as follows:

***6.2.4.1. C-1 Neighborhood Commercial District.*** The C-1 neighborhood commercial district is intended to accommodate neighborhood scale, pedestrian-oriented development that serves the needs of the immediate residential neighborhoods with an emphasis on expanding neighborhood commercial activities

along NC 12. The purpose of this district is to provide needed goods and services within walkable distances to residential neighborhoods. Development must be designed in use, scale, character, and intensity to be compatible with and protect surrounding residential areas, natural resources, and scenic viewsheds. Activities such as shopping, strolling, and dining are leisure activities as much as other needed services. Typical uses in this designation include restaurant (walk-up or sit down), commercial, office, retail, personal services establishments, gallery/museum, beach equipment rentals, cottage courts, hotels, and single-family residential (5,000 square feet or less). Commercial development should be designed to activate the street fronts, encourage walkability, and be situated closer to street grade while still elevated to minimize flood risk. It is also the intent of this C-1 district to encourage the development of unique, locally owned businesses that are designed to be reflective of the community's heritage and lifestyle both in scale and massing as well as site layout. This could include the use of accessory residential dwelling units to commercial businesses or other arrangements of mixed use that are designed to be pedestrian oriented and in close proximity to one another.

PART V. That **Section 6.6. Table of Uses and Activities, of the Unified Development Ordinance**, be amended as follows:

Use Category/Class	Use Type
Residential	Cluster Housing
Residential	Cottage Courts
Residential	Dwelling, Accessory

Use/Category/Class	Use Type	R-3	Supplemental Regulations
Institutional	Governmental Administrative Office	PS	<u>Section 7.42</u>

PART VI. That **Section 8.3.1.5. C-3 Commercial Services District of the Unified Development Ordinance**, be amended as follows:

**Section 8.3 Special Development Standards – Primary Zoning Districts**

**8.3.1. C-3 Commercial Services District.**

**8.3.1.5.** No outside storage of processed materials, which may be a possible source of pollution as determined by the NC Department of Environmental Quality, shall be allowed. Processed materials would include, but not be limited to, chemically treated lumber, or petroleum-based products which when exposed to the elements could create stormwater runoff containing pollutants. Areas devoted to the outside storage of materials shall be maintained permeable and shall be calculated as permeable lot coverage. These areas shall be clearly delineated on the site plan, and any expansion of such areas shall be considered a site modification for which approval by the Board of Commissioners is required.

PART VII. That **Section 10.24.2.7. Signs Permitted in Commercial Districts and the Commercial/Residential District, of the Unified Development Ordinance**, be amended as follows:

**10.24.2.7.** One (1) flag sign shall be permitted in accordance with the specifications listed in the definition for flag sign as described in Appendix A Definitions.

**10.24.2.8. Flag signs (non-advertising, non-informational), as defined, shall be permitted, with no more than one flag for every 20 linear feet of street frontage.**

**10.24.2.8~~9~~** Outdoor stands shall be allowed one (1) temporary sign attached to the stand. Such sign shall not exceed fifteen (15) square feet in area or extend above the roof of the stand. This sign area shall be exempt from the calculation of total commercial site sign area limitations imposed by this subsection.

PART VIII. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance amendment shall be in full force and effect upon the date of adoption by the Board of Commissioners.

\_\_\_\_\_  
Benjamin Cahoon, Mayor

ATTEST:

\_\_\_\_\_  
Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
John Leidy, Town Attorney

Date adopted: \_\_\_\_\_

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

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

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