



**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 48-402 R-1 Low-Density Residential District, subsection (d) (5)** be amended as follows:

The minimum width of the side yard shall be 12 feet. In the case of a corner lot, to ensure adequate sight clearance, the minimum width of the side yard adjacent to the right-of-way shall be no less than 15 feet, except in the case of pre-existing nonconforming lots that are less than 10,000 square feet in lot area and 60 feet or less in lot width, in which case the minimum setback shall be 12 feet.

PART II. That **Section 48-403 R-2 Medium-Density Residential District, subsection (d) (5)** be amended as follows:

The minimum width of the side yard shall be ten feet. In the case of a corner lot, to ensure adequate sight clearance, the minimum width of the side yard adjacent to the right-of-way shall be no less than 15 feet, except in the case of pre-existing nonconforming lots that are less than 10,000 square feet in lot area and 60 feet or less in lot width, in which case the minimum setback shall be 12 feet.

PART III. That **Section 48-404 R-3 High-Density Residential District, subsection (d) (5)** be amended as follows:

The minimum width of the side yard shall be eight feet. In the case of a corner lot, to ensure adequate sight clearance, the minimum width of the side yard adjacent to the right-of-way shall be no less than 15 feet, except in the case of pre-existing nonconforming lots that are less than 10,000 square feet in lot area and 60 feet or less in lot width, in which case the minimum setback shall be 12 feet.

PART IV. That **Section 48-405 CR Commercial Residential District, subsection (d) (5)** be amended as follows:

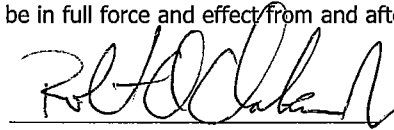
The minimum width of the side yards shall be eight feet for single-family, duplex and commercial development. In the case of a corner lot, to ensure adequate sight clearance, the minimum width of the side yard adjacent to the right-of-way shall be no less than 15 feet; for commercial development and 12 feet for single-family and duplex use for lots less than 10,000 square feet in lot area and 60 feet or less in lot width.

PART V. That **Section 48-407 C-2 General Commercial District, subsection (d) (5)** be amended as follows:

The minimum width of the side yards shall be eight feet for residential development (single-family and duplex). Side yards shall total at least 15 feet in width for commercial development. Every commercial building must be set back

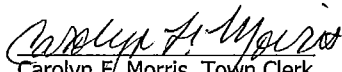
no less than five feet from a side property line. The side yard on either side may be of any size, provided that neither side yard is less than five feet in width and further provided that the sum of the two side yards equals at least 15 feet in width. In the case of a corner lot, to ensure adequate sight clearance, the minimum width of the side yard adjacent to the right-of-way shall be no less than 15 feet, except in the case of pre-existing nonconforming lots for single-family and duplex use that are less than 10,000 square feet in lot area and 60 feet or less in lot width, in which case the minimum setback shall be 12 feet.

PART VI. 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 **6th** day of **July 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: July 6, 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: Motion to recommend adoption of Zoning Ordinance Text Amendments, initiated by the Planning Board, to Town Code Sections 48-402 (d)(5) R-1 Low-Density Residential District, 48-403 (d)(5) R-2 Medium-Density Residential District, 48-404 (d)(5) R-3 High-Density Residential District, 48-405 (d)(5) CR Commercial Residential District, 48-407 (d)(5) C-2 General Commercial District, to reduce the minimum side yard setback requirements for nonconforming, corner lots adjacent to the right-of-way from 15 (fifteen) feet to (12) twelve feet for single-family and duplex use on lots less than 10,000 square feet in lot area and 60' or less in lot width.

AND THAT, the Board of Commissioners find that the proposed Text Amendment is consistent with the goals, objectives and policies of the Town's adopted Land Use Plan, and, as recommended by the Planning Board, that this action is reasonable and in the public interest, because:

- It supports residential development and redevelopment per the vision statement of the Land Use Plan; and
- It provides the minimum relief necessary for property owners of existing nonconforming corner lots without interfering with transportation, safety and other design goals of the Town.

READ, APPROVED AND ADOPTED by a unanimous vote this the 6th day of July 2011.

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

ATTEST:

Carolyn Morris, Town Clerk

Cliff Ogburn, Town Manager

