



**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 list "501(c) 8 Fraternal Beneficiary Societies" as a permitted use within the C-2, General Commercial Zoning District; and

**WHEREAS**, the Town of Nags Head 2017 Comprehensive Plan (LU-1) states that the Town strives to provide commercial development that serves the needs of residents and visitors but respects the goals of the community related to design and appearance; and

**WHEREAS**, the Town of Nags Head 2017 Comprehensive Plan and Code of Ordinances, through policy statements and regulations, places value in supporting and fostering small, local businesses that preserve and uphold the vision and legacy of the Town; and

**WHEREAS**, the Town further finds that in accordance with the findings above it is in the interest of and not 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 48-407(b), Permitted Uses within the C-2, General Commercial Zoning District**, be amended as follows:

(14) Clubhouse for 501(c) 8 Fraternal Beneficiary Societies as defined by the Internal Revenue Service.

PART II. That **Section 48-401, (4)** Non-Residential Prohibited and Permitted Uses Chart, be amended as follows:

		<u>ZONING DISTRICTS</u>										<u>OVERLAY DISTRICTS</u>				<u>COMMENTS</u>
<u>TYPE OF USE</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>CR</u>	<u>C-1</u>	<u>C-2</u>	<u>C-3</u>	<u>C-4</u>	<u>SPD</u> <u>-C</u>	<u>SPD</u> <u>-20</u>	<u>SED</u> <u>-80</u>	<u>CO</u>	<u>Hotel</u>	<u>O&amp;S</u>	<u>SRO</u>	
Entertainment/Recreation Facilities																
<u>Clubhouse for 501(c) 8 Fraternal Beneficiary Societies</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>P</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>501(c) 8 as defined by IRS</u>

PART III. That **Section 48-167(5), Required Parking by Use** be amended as follows:

Indoor public assembly or indoor event space, not associated with a hotel; <u>and</u> <u>Clubhouse for 501(c) 8 Fraternal Beneficiary Societies</u>	One parking space per 55 square feet of customer area. Customer area includes seating area, lounges, decks, porches and patios, but excludes stairs, stair landings, handicapped ramps, restrooms and areas not open to the general public. Paved parking shall be provided at a ratio of one space per 55 square feet of customer area. The remaining required parking may be unpaved, provided that it is compacted, contoured for proper drainage, grassed and regularly maintained.
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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 6<sup>th</sup> day of September 2017.

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Robert C. Edwards, Mayor  
Town of Nags Head

ATTEST:

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Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

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

Date adopted: September 6, 2017

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

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

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