



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 eliminate the requirement that a car wash operation have an on-site attendant during hours of operation.

WHEREAS, the 2010 Land Use Plan states that the Town shall continue to address the community appearance concerns through various Boards and shall work towards developing incentives designed to enhance, promote and protect the Town's architectural image and heritage;

WHEREAS, the Town further finds that in accordance with the findings above it is not in the interest of and 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(c)(9), Conditional Uses within the C-2, General Commercial District**, be amended as follows:

(9) ~~An attended~~ eCar washes (automated and ~~self-service enclosed~~ only), subject to other requirements of this chapter and provided that the following conditions are met:

- a. ~~The attendant shall be present on-site during all hours of operation;~~ An attendant shall visit and assess the site a minimum of two times daily during all hours of operation to ensure a clean, orderly operation.
- b. Security cameras shall be installed and positioned to provide video surveillance of the entire site and operations.
- c.b. ~~No principal or accessory building shall be located within 50 feet of an existing residential use or district. No freestanding vacuums, air compressors, or other vehicular servicing areas shall be located within 50 feet of an existing residential use or district.~~
- d.e. ~~A car wash shall be constructed so as to allow vehicles to pass through the structure in order to create an orderly traffic flow. Furthermore, stacking spaces shall be provided for vehicles entering and exiting the site to minimize traffic congestion on public roads.~~
- e. A car wash shall be enclosed on at least two sides with open bays and a roof structure. A car wash must comply with the architectural design standards of Town Code Section 48-371.

- fd. The boundaries of the entire site shall be buffered from all adjacent properties and rights-of-way in accordance with subsection 48-482(1), buffer yard A. This buffer yard, when adjacent to residential uses and districts, shall be continuous and opaque. Fencing may be incorporated into the buffer to ensure opaqueness when necessary.
- ge. The site shall be designed to contain all stormwater from impervious surfaces ~~on-site from a ten-year, two-hour storm event, the equivalent being 4.24 inches of rainfall in a two-hour period~~ consistent with the applicable standards of Town Code Chapter 34 – Stormwater, Fill, and Runoff Management.
- h.f. The car wash shall utilize a recyclable water type system.
- i. Car washes shall only be located on properties with frontage on US 158.
- j. Car washes may have specified hours of operation as necessary to minimize the impacts on any adjacent residential uses.

PART II. 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 5th day of October 2016.


Robert C. Edwards, Mayor
Town of Nags Head

ATTEST:

Carolyn F. Morris, Town Clerk



APPROVED AS TO FORM:

John Leidy, Town Attorney

Date adopted: October 5, 2016

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS