

ZONING AMENDMENT APPLICATION
TOWN OF NAGS HEAD, NORTH CAROLINA

Applicant South Beach Plaza Associates, LLC

Mailing address PO Box 2084 Kitty Hawk NC 27949

Explanation of request

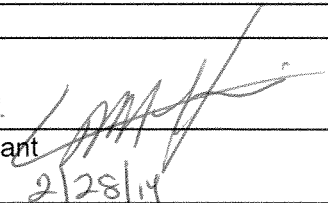
- Zoning Ordinance - Section(s) 48-407(b)(10)
Attach amendment in ordinance form.
- Zoning Map
Attach copy of current Zoning Map with affected property outlined in red.
Attach names and mailing addresses of the property owners of all parcels of land abutting the parcel in question.

Nature of request

We are seeking a zoning ordinance amendment to Town Code Section 48-407(b)(10) to include "office retail Group Development"

Reason for request

Currently Section 48-407(b)(10) only includes "retail shopping centers" and we would request that "office retail group development" be added. we feel outdoor stands would fit nicely at South Beach Plaza and would be a positive accessory use. Additionally, South Beach Plaza is currently the only "office retail Group Development" in the town.

by: 
Applicant _____
Date 2/28/14

Sec. 48-407. C-2 general commercial district.

- (a) *Intent.* The C-2 general commercial district is established to provide for the proper grouping and development of commercial facilities to serve the entire community. All C-2 districts shall be at least five acres in area.
- (b) *Permitted uses.* The following uses shall be permitted by right in the C-2 district:
- (1) Offices, including:
 - a. Business.
 - b. Dialysis center.
 - c. Financial.
 - d. Governmental.
 - e. Medical.
 - f. Professional.
 - g. Coffee shop.
 - (2) Retail establishments, including:
 - a. Antiques.
 - b. Appliances.
 - c. Bicycles.
 - d. Boat sales and service.
 - e. Books.
 - f. Cameras.
 - g. Candy.
 - h. Clothing.
 - i. Computers.
 - j. Craft goods.
 - k. Drugs.
 - l. Dry goods.
 - m. Flowers, greenhouses, plant nurseries.
 - n. Foodstores.
 - o. Gifts.
 - p. Hardware.
 - q. Hobby goods.
 - r. Jewelry.
 - s. Magazines.
 - t. Musical instruments.
 - u. Notions.
 - v. Owner occupied art gallery.
 - w. Sporting goods.
 - x. Toys.
 - (3) Service establishments, including:
 - a. Aerobic class/dance school/karate school.
 - b. Barbershops and beauty shops.
 - c. Dry cleaning and laundry pickup stations, including laundromats.
 - d. Funeral homes.
 - e. Indoor recreational activities limited to amusement arcades, pinball machines, video games, video machines or other similar player operated amusement devices, billiard rooms, bowling alleys, sport-climbing walls, paintball and laser tag facilities, and soft play activities for juveniles. Beach and charitable bingo, adult arcade, socially-oriented business activities, adult live entertainment, and

devices, billiard rooms, bowling alleys, sport-climbing walls, paintball and laser tag facilities, and soft play activities for juveniles. Beach and charitable bingo, adult arcades, sexually oriented business activities, adult live entertainment, and slot machines or devices as prohibited by G.S. 14-306 are specifically excluded from this indoor recreational activities definition.

- f. Nonprofit/outreach center with aquatic fitness facility.
 - g. Nonprofit community outreach centers.
 - h. Parking lots.
 - i. Radio and television broadcasting studios.
 - j. Restaurants.
 - k. Shoe repair.
 - l. Theaters.
 - m. Municipally owned public access facilities.
 - n. Indoor fitness center.
 - o. Restaurant, takeout.
 - p. Beach recreation equipment rentals and sales.
 - q. Taxi and limousine service.
- (4) Single-family dwelling units and duplexes, subject to dimensional requirements of R-3 district, except for minimum lot width. Single-family dwellings and duplexes containing five bedrooms shall be subject to the applicable requirements specified in section 48-370
 - (5) Estuarine bulkheads.
 - (6) Customary accessory uses and structures, including private swimming pools, private docks, minor communication towers, dish antennas and home occupations, vertical axis wind energy facilities and roof top wind energy facilities.
 - (7) Large residential dwellings, subject to other requirements of this chapter and provided that all the conditions are met specified in section 48-370
 - (8) Auction houses.
 - (9) Bed and breakfast, subject to the dimensional requirements of single-family dwellings within this zoning district and town code section 48-370.
 - * (10) Outdoor stands as an accessory use to retail shopping centers pursuant to section 48-372 and Office Retail Group Development
 - (11) Indoor public assembly.
 - (12) Concealed building mounted antenna installed flush with or below the roof line.

Sec. 48-372. Outdoor stands.

Outdoor stands as permitted by this chapter shall be subject to the following provisions:

- (1) The principal sale of items at an outdoor stand shall be limited to either fresh produce, hot dogs, coffee, ice cream or Italian ice and fudge. The sale of any other items shall be incidental and limited to no more than ten percent of the display area or ten percent of sales.
- (2) Only one outdoor stand shall be allowed per site. The stand shall not be required to be a permanent structure and may be located upon a trailer. When located upon a trailer, skirting shall be installed around the perimeter to screen the wheels, axles and towing hitch from view.
- (3) The stand area, inclusive of display counters and awnings, shall not exceed 400 square feet for produce stands and shall not exceed 150 square feet for hot dog, coffee, ice cream and Italian ice and fudge stands. Refrigeration units may be utilized within the stand area. The location of the stand on the site shall comply with minimum district yard regulations for principal use structures.
- (4) Produce stands shall be temporary and may be operated for a period of time not to exceed 180 days annually. The dates of operation shall be limited to between May 1 and November 1 each year. Hot dog, coffee, ice cream and Italian ice and fudge stands may be operated year round, but shall not be left on the property overnight and must be removed daily.
- (5) All stands shall comply with applicable Dare County Health Department regulations and permitting requirements.
- (6) When located on a site with 50 or more existing parking spaces, no additional parking spaces will be required. When located on a site with less than 50 parking spaces a minimum of three off-street parking spaces in accordance with parking regulations of this chapter shall be provided.
- (7) When the regulations contained in the subsection are in conflict with the general regulations of chapter 12, article III, peddlers and itinerant merchants, the provisions of this chapter (chapter 48, zoning) shall prevail.

(Ord. No. 10-05-014, Pt. I, 5-19-2010; Ord. No. 10-07-020, Pt. I, 7-7-2010; Ord. No. 13-03-007, Pt. I, 3-6-2013)

Editor's note—

Ord. No. 10-05-014, Pts. I, IV adopted May 19, 2010 repealed the former § 48-372 and enacted a new § 48-372 as set out herein. The former § 48-372 pertained to outdoor fresh produce stands and derived from Ord. No. 09-05-019, § I, 5-6-2009.