



**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 the Code of Ordinances shall be amended as follows:

PART I. That Town Code Section 22-32, Flood Damage Prevention Ordinance Definitions be amended as follows:

~~*Regulatory flood protection elevation* means the "base flood elevation". In "special flood hazard areas" where BFE's have been determined, this elevation shall be the BFE.~~

"Regulatory Flood Protection Elevation" means the "Base Flood Elevation" plus the "Freeboard" as specified in the North Carolina Building Codes.

PART II. That Town Code Section 48-7 Definitions, Zoning Ordinance be amended as follows:

Amend the definition to Building Height as follows:

Height means the vertical distance measured from the tallest part of a building to the lowest ground elevation at the base of the building (finished grade; typically, the top elevation of the driveway or ground floor concrete slab). Height may be measured using the average finished grade at the four corners of the building where fill has not been used to elevate the building.

In any AE or VE special flood hazard area, height will be measured from the regulatory flood protection base flood elevation or finished grade, whichever is higher.

Add the following definitions to the Code as follows:

Elevation means (1) a vertical distance above or below mean sea level; (2) a fully dimensioned drawing to the front, rear, or side of a structure showing features and their relationship to grade, sea-level, or other reference point.

Fill means the depositing of soil, rock or other earthen materials by artificial means, but not including poured slab, asphalt, porous pavement, turfstone, or other man-made materials or surfaces designed in association with construction.

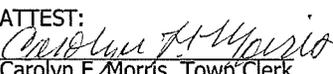
Grade means the average elevation of the land around a building as measured at the four corners of the structure or at four points around the building distributed evenly, or as the natural elevation of land within a property measured in feet above sea level.

Grading means any cut or fill, or combination thereof, or recompaction of soil, rock or other earthen materials.

PART III. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PART IV. This ordinance shall be in full force and effect from and after the 2nd day of May 2012.


Robert O. Oakes, Jr., Mayor

ATTEST:

Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

John Leidy, Town Attorney



Date adopted: May 2, 2012 _____
Motion to adopt by Commissioner _____
Motion seconded by Commissioner _____
Vote: 4 AYES 0 NAYS (Comr. Walters was not present.).



**TOWN OF NAGS HEAD
STATEMENT OF CONSISTENCY
WITH THE LAND USE PLAN FOR A ZONING TEXT AMENDMENT**

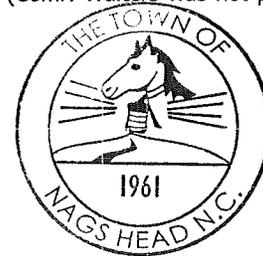
BE IT HEREBY RESOLVED by the Board of Commissioners for the Town of Nags Head, that in accordance with provisions of North Carolina General Statute 160A-383, the Board of Commissioners hereby finds and determines that the adoption of the requested zoning text amendment regarding building elevation and definitions associated with measuring building elevation and building height is consistent with the goals, objectives and policies of the Town's adopted Land Use Plan, and that this action is reasonable and in the public interest because it addresses both:

- Public safety and the implementation of State Building Codes; and
- Maintains consistency with the Towns architectural guidelines for building height within flood hazard zones.

READ, APPROVED AND ADOPTED by a vote of 4 to 0 (Comr. Walters was not present.), this the second day of May 2012.

A handwritten signature in black ink, appearing to read "Robert O. Oakes Jr.", written over a horizontal line.

Robert O. Oakes Jr., Mayor



ATTEST:

A handwritten signature in black ink, appearing to read "Carolyn Morris", written over a horizontal line.

Carolyn Morris, Town Clerk

A handwritten signature in black ink, appearing to read "Cliff Ogburn", written over a horizontal line.

Cliff Ogburn, Town Manager