



**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF NAGS HEAD, NORTH CAROLINA**

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, A text amendment was initiated by the Board of Commissioners to review use requirements for fishing piers; and

WHEREAS, the Town finds that these text amendments are 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; and

NOW THEREFORE 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 48-405(c)(1)(e), Fishing Piers as a Conditional Use within the CR, Commercial Residential Zoning** be amended as follows:

- c. ~~The maximum total height of the pier house structure shall be 60 35 feet. If the pier house structure exceeds a total height of 42 feet, a minimum side yard requirement of 100 feet shall be required for all principal and accessory structures. Accessory wind turbines structures shall be allowed a maximum height of 105 feet as measured from ground elevation or the deck of the pier, depending on the location of the turbine structure.~~
- e. The location and installation of waste water treatment facilities and required repair areas to serve the principal use may be located offsite provided that all offsite properties are undeveloped and are zoned for commercial use. Offsite waste water treatment facilities shall be exempt from the requirements of section 48-362, subsections (2), (3), and (4). Above ground structures of the treatment facility shall be deemed principal use structures and shall comply with the dimensional height and yard requirements of the zoning district in which they are located. When offsite waste water treatment facilities are utilized in conjunction with a fishing pier, restaurants are not permitted as a principal or accessory use to the fishing pier.
- g. Restaurants associated with a fishing pier shall not exceed 1,500 square feet of combined indoor and outdoor customer service area.

PART II. That **Sec. 48-167. Required parking by use.** be amended as follows:

(3) Recreational Uses	Required Parking
Fishing pier	One parking space for each ten feet of length for piers over 800 linear feet in length with one additional parking space for each <u>every</u> 200 square feet of gross floor space under cover. <p style="text-align: center;">OR</p> One parking space for each 20 feet of pier length for piers <u>of</u> 800 linear feet or less in length with one additional parking space for each <u>every</u> 200 square feet of gross floor space under cover. <p style="text-align: center;">AND</p> <u>Fishing pier sites shall provide two parking spaces for each 10 linear feet of oceanfront lot frontage in excess of 150 feet.</u>

PART III. 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 7th day of January 2015.

Robert C. Edwards

Robert C. Edwards, Mayor
 Town of Nags Head

ATTEST:

Carolyn F. Morris
 Carolyn F. Morris, Town Clerk



APPROVED AS TO FORM:

 John Leidy, Town Attorney

Date adopted: January 7, 2015

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS