



**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 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 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**, pursuant to N.C.G.S. § 160A-175 the Town may adopt, establish and amend procedures for exercising remedies available for violations of the Town Code; and

**WHEREAS**, the Town values healthy, mature trees and vegetation for the aesthetic, erosion control, and stormwater benefits that they provide and;

**WHEREAS**, mature, native and/or locally adaptive trees and vegetation contribute to the quality and character of residential neighborhoods and;

**WHEREAS**, the Town acknowledges that clear cutting of lots prior to development is a practice that conflicts with the goals and objectives of the Town's Land Use Plan and;

**WHEREAS**, it is the Town's intent to ensure that lots maintain existing vegetation until such time that the lot is actively being developed; 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;

**NOW THEREFORE BE IT ORDAINED**, by the Board of Commissioners of the Town of Nags Head, North Carolina, that the Town's Code of Ordinances be amended as follows:

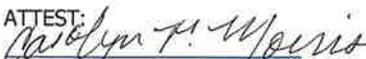
**PART I. That Section 48-375, Lot Clearing Prior to Development, be added to the Town of Nags Head zoning ordinance as follows:**

**Sec. 48-375. – Lot Clearing Prior to Development.**

On a vacant, undeveloped parcel, removal of any tree greater than 6 inches in diameter at breast height is prohibited, except after receiving approval of a site plan for new construction in conjunction with a Town issued land disturbance permit or building permit. **Nothing in this section shall prevent the removal of a dead or diseased tree that has become an imminent danger or hazard to person(s) or property.**

**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 3<sup>rd</sup> day of June 2015.

  
Robert C. Edwards, Mayor  
Town of Nags Head

ATTEST:  
  
Carolyn E. Morris, Town Clerk

APPROVED AS TO FORM:

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

Date adopted: June 3, 2015

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

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

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

