



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

WHEREAS, pursuant to N.C.G.S. § 160A-459 the Town of Nags Head (the "Town") is authorized to adopt and enforce a stormwater control ordinance to protect water quality and control water quantity. Pursuant to this authority, the Town has previously adopted a stormwater management ordinance which is codified as Chapter 34 of the Town's Code of Ordinances (the "Town Code") for that purpose; and

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, the Town acknowledges that stormwater poses a threat to the public health, safety, and welfare, and;

WHEREAS, the Town finds that the improper use of fill and lack of maintenance of stormwater management practices contributes to stormwater run-off and;

WHEREAS, the Town manages resources to protect the public infrastructure, quality of life, environment, and property of the citizens of Nags Head through fair and equitable, cost effective means, and the Stormwater Ordinance seeks to improve, enhance, and protect the quality of life for the citizens of Nags Head, 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 **34-5, General standards for commercial, mixed-use and all non-single family or non-duplex residential development, including multifamily development (c)(6)** be amended as follows:

- (6) Fill shall not be permitted to exceed base flood elevation except in cases where it is placed directly beneath a slab that is designed to meet the regulatory flood protection elevation as defined in Town Code Section 22-32. In these instances, fill may exceed the base flood elevation by up to 12 inches to support a turn-down or thickened edge slab or beneath a slab that is supported by a ring-wall style foundation. Fill placed above the base flood elevation shall not extend beyond the outside edge of the slab. In areas in which there is no base flood, fill shall not exceed the amount required for wastewater permits required by the Dare County Health Department, or two feet above pre-development surface elevation, whichever is higher.

In no case shall fill be placed or a lot be graded such that off-site drainage patterns are altered to direct stormwater runoff onto another property unless part of an approved plan with appropriate agreements or easements.

PART II. That Section **34-6. - General standards for residential or duplex development on individual lots (c)(3)** be amended as follows:

- (3) All other flood zones (including AE and X):

- a. Fill shall not be permitted to exceed base flood elevation except in cases where it is placed directly beneath a slab that is designed to meet the regulatory flood protection elevation as defined in Town Code Section 22-32. In these instances, fill may exceed the base flood elevation by up to 12 inches to support a turn-down or thickened edge slab or beneath a slab that is supported by a ring-wall style foundation. Fill placed above the base flood elevation shall not extend beyond the outside edge of the slab. In areas in which there is no base flood, fill shall not exceed the amount required for wastewater permits required by the Dare County Health Department, or two feet above pre-development surface elevation, whichever is higher.

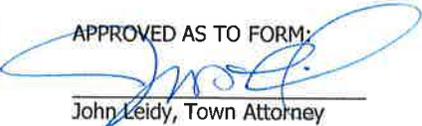
PART III. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect from and after the 7th day of October 2015.


Robert C. Edwards, Mayor

ATTEST:


Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:


John Leidy, Town Attorney

Date adopted: October 7, 2015

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS

