



Option B
**AN ORDINANCE AMENDING THE CODE OF ORDINANCES
OF THE TOWN OF NAGS HEAD, NORTH CAROLINA PERTAINING TO THE REGULATION
OF LARGE RESIDENTIAL DWELLINGS**

ARTICLE I. Purpose(s) and Authority.

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 comprehensive zoning regulations and has codified the same within the Unified Development Ordinance, Part II of the Town Code, adopted pursuant to N.C.G.S. § 160A-363, which allows the Town to combine certain land development ordinances into a unified ordinance; and

WHEREAS, the Board of Commissioners requested consideration be given to preparing an ordinance regulating multi-story deck platforms; and

WHEREAS, the Town of Nags Head 2017 Comprehensive Plan includes policies aimed at ensuring the character of Nags Head is preserved as a single family residential beach community with ties to its natural environment with character defined by development that blends with the landscape, preservation of dunes, open spaces and maintaining views from the ocean beach of dunes, vegetation and structures that are low in height with small footprints designed to reflect the heritage; and

WHEREAS, the Board of Commissioners finds that these text amendments are consistent with the goals, objectives and policies of the Town's adopted Comprehensive Plan, and that this action is reasonable and in the public interest, and is in the interest of and not contrary to the public's health, safety, morals and general welfare for the Town to amend the Towns Unified Development Ordinance as stated below.

ARTICLE II. Construction.

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein but are instead replaced by an ellipses ("...") shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of the Unified Development Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that the Unified Development Ordinance of the Town Code shall be amended as follows:

PART I. That **Appendix A. Definitions, Section A.4., Definitions**, be amended by adding the following term and definition in appropriate alphabetical order:

Multi-level deck platform means any deck structure, with a support structure independent of a principal or accessory structure, containing two or more elevation-separated deck platforms. This definition does not include decking customarily found in conjunction with residential dwellings when located within the CAMA Ocean Hazard Area and required to be structurally detached pursuant to 15A NCAC 07H 0.300, when such decking is in contact with the principal or accessory structure on two or more levels.


PART II. That **Section 6.5, Classification and Review of Unlisted Uses, Section 6.5.3**, be amended by adding "Multi-level Deck Platforms" to the list under "Residential," to follow "Fraternity & Sorority Houses."

ARTICLE IV. Severability.

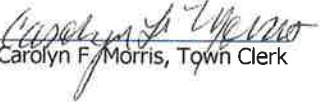
All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance amendment nor the Unified Development Ordinance or Town Code of the Town of Nags Head, North Carolina which shall remain in full force and effect.

ARTICLE V. Effective Date.

This ordinance amendment shall be in full force and effect on October 7, 2019, the adopted effective date of the Unified Development Ordinance.

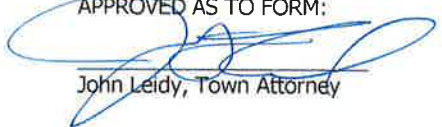

Benjamin Cahoon, Mayor
Town of Nags Head

ATTEST:


Carolyn F. Morris, Town Clerk



APPROVED AS TO FORM:


John Leidy, Town Attorney

Date adopted: September 16, 2019
Motion to adopt by Commissioner _____
Motion seconded by Commissioner _____
Vote: _____ AYES _____ NAYS