

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 **Section 48-523, Time limitations for site plans, zoning permits and building permits**, be amended as follows:

The following provisions pertaining to time limitations to obtain building permits, and to commence, continue and complete construction, shall apply in all cases in which a site plan approval or zoning permit is required unless otherwise provided for in section 48-526, vested right.

- (1) *Time limitation to obtain building permit.* Final approval of a site plan by the board of commissioners or approval of a zoning permit by the zoning administrator shall be valid for 12 months from date of approval. The building inspector may issue a building permit within 12 months from the date of such approval, provided that all other requirements are met. If a building permit is not issued within 12 months from the date of final approval of the site plan or zoning permit the site plan or zoning permit shall expire and the applicant must submit a new site plan conforming to the then current provisions of this chapter for review by the planning board and board of commissioners or a new zoning permit application for review by the zoning administrator and pay the applicable fees. Upon the issuance of a building permit, the approval of the underlying site plan or zoning permit shall remain valid as long as the corresponding building permit remains valid as provided for in this section.
- (2) *Time limitation to commence and continue construction.* If construction has not commenced within 6 months from the date of issuance of a building permit, the building permit shall expire and the approval of the accompanying site plan or zoning permit shall also expire if the approval date of the zoning approval is greater than 12 months. If, after commencement, the work is discontinued for a period of 12 months, the building permit and accompanying site plan or zoning permit shall immediately expire. For the purposes of this subsection worked shall be deemed as discontinued, if after the commencement of work, during any 12 consecutive month period there is a failure by the permit holder to have at least one required inspection for the work being conducted under the permit performed and approved by the building inspector. No work authorized by any permit or site plan that has expired shall be performed until a new site plan or zoning permit has been approved in conformity with the current provisions of this chapter and a new building permit issued and all applicable fees paid.

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 6th day of September, 2006.

M. Renée Cahoon, Mayor

ATTEST:

Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

Donald I. McRee, Jr., Town Attorney

Date adopted: **September 6, 2006**

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS