



**AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE
OF THE TOWN OF NAGS HEAD, NORTH CAROLINA
AS IT PERTAINS TO THE SITE DESIGN STANDARDS WITHIN THE
SOUNDSIDE RESIDENTIAL DWELLING OVERLAY DISTRICT**

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160D-701, 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. 160D- 702, 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. § 160D-103, which allows the Town to combine certain land development ordinances into a unified ordinance; and

WHEREAS, a text amendment application has been submitted requesting consideration be given to alternative site design standards within the Soundside Residential Dwelling Overlay District when onsite elevations have a differential of ten feet or greater; and

WHEREAS, the Board of Commissioners finds that these text amendments are/are not 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 Town's 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 ellipsis ("...") 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 **Section 8.5.4, SRO Soundside Residential Dwelling Overlay District**, be amended as follows:

8.5.4.7 Site Design Standards Alternative. Properties containing existing on-site elevation differential of ten feet or greater shall be permitted to utilize the following alternative standards:

8.5.4.7.1. Land disturbing activities may occur anywhere on the property and shall not be limited by the requirements of Section 8.5.4.5.1. Land disturbing activities shall be limited to 70% of the area of the subject property.

8.5.4.7.2. The placement of fill associated with land disturbing activities shall not create slopes that exceed 3:1 and shall be aligned with and graded to match existing neighboring elevations in such a manner as to minimize erosion. The placement of fill in association with the land disturbing activities shall be exempt from UDO Sections: 11.5.2.8;

11.5.2.9; 11.5.2.11; and 11.5.3.2.

8.5.4.7.3. The use of bulkheads and retaining walls shall not be subject to the limitations of Sections 8.5.4.5.2 or 11.5.2.10. Such bulkheads or retaining walls shall be allowed to reduce slopes resulting from land disturbing activities that exceed 3:1

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.

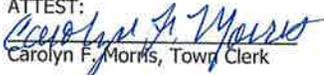
ARTICLE V. Effective Date.

This ordinance amendment shall be in full force and effect upon the date of adoption by the Board of Commissioners.



Benjamin Cannon, Mayor
Town of Nags Head

ATTEST:


Carolyn F. Morris, Town Clerk



APPROVED AS TO FORM:

John Leidy, Town Attorney

Date adopted: December 1, 2021

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____