



**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 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 a comprehensive zoning ordinance (the "Town's Zoning Ordinance") and has codified the same as Chapter 48 of the Town's Code of Ordinances (the "Town Code"); and

WHEREAS, the Town encourages the construction and maintenance of high quality housing which minimizes conflicts between residential uses; and

WHEREAS, the Town finds that this 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 Chapter 48, Zoning, of the Code of Ordinances shall be amended as follows:

PART I. That **Section 48-7, Definitions of specific words and terms**, be amended as follows:


Yard means a required open space unoccupied and unobstructed by any structure or portion of a structure from 12 inches above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts and other customary yard accessories, ornaments and furniture may be permitted in any yard subject to height limitations and requirements limiting obstruction of visibility or any other requirement of this chapter. And further provided, that customary accessory buildings or structures, including pools and pool surrounds, may be located in any rear or side yard no closer than five feet to any property line and subject to other limitations of this chapter. For lots of record which front on access easements, yard and lot depth measurements shall be made from the edge of the easement rather than from the lot line.

PART II. That **Section 48-78, Yard requirements**, be amended as follows:


Sec. 48-78. Yard requirements.

Unless otherwise provided in this chapter, no principal structure or principal use shall be located within the front, side or rear yards (setback areas). Other accessory structures, including pools and pool surrounds, may be located only in rear or side yards and may be located no closer than five feet to any property line, except as provided for walls and fences in section 48-80 and replacement of residential HVAC stands as provided in section 48-7, definition of "yard, side".

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 3rd day of December 2014.


Robert C. Edwards, Mayor

ATTEST:


Carolyn F. Morris, Town Clerk



APPROVED AS TO FORM:

John Leidy, Town Attorney

Date adopted: December 3, 2014

Motion to adopt by Commissioner _____
Motion seconded by Commissioner _____
Vote: AYES _____ NAYS _____