



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

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 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, 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, a zoning ordinance text amendment was drafted by Planning Staff and initiated by the Planning Board as relates to landscaping and buffering requirements for commercial uses within the Town; and

WHEREAS, the Town 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

WHEREAS, the Town further finds that in accordance with the findings above it 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 Zoning Ordinance and Town Code of Ordinances 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 Zoning Ordinance.

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

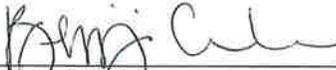
PART I. That Section **Sec. 48-483. - Buffer regulations (a)**, be amended with the following language:

- (a) General requirements. Any new use of land shall provide a buffer yard if required by this chapter in accordance with the following provisions:
 - (1) Buffer yards are defined as at least five feet wide. The total number of plants required by the table below shall be doubled for every additional five feet of required buffer width.
 - (2) The table below defines the required number of plants for each 100 feet of buffer yard length according to planting zone.

Number and Type of Required Plants for each 100 feet of Buffer Yard Length			
Planting Zone	Trees	Shrubs	Ornamental Grasses/ Herbaceous Plants
Beach		30 <u>20</u>	50 <u>30</u>
Highway or Soundside	5 <u>3</u>	20 <u>15</u>	50 <u>30</u>
*The total number of plants required by this table shall be doubled for every additional five feet of required buffer width.			

- (3) Required species of plant material and appropriate planting zones are defined by the Town of Nags Head Vegetative Planting Guidelines, which can be obtained from the Town of Nags Head Planning and Development Department.
- (4) Ornamental grasses that will grow to a mature height of at least three feet may be substituted for required shrubs in the Beach planting zone.
- (5) Except as otherwise specified herein, at a minimum, 50 percent of the number of plants shall be locally adapted, evergreen species. Trees shall be a minimum height of five feet and one inch in diameter measured at one-half foot above grade when planted and are expected to reach or exceed the specified height in the required time period. Shrubs shall be a minimum height of one and one half feet when planted and expected to reach or exceed the specified height in the required time period.
- (6) Except where necessary to provide a commercial transitional protective yard or opaque screen to separate different land uses, clustering and/or random spacing of plants and trees is encouraged to produce a natural appearance in the landscape.
- (7) Landscaping plans are encouraged to include a variety of species to promote overall diversity of plant materials within the Town. Applicants may propose other non-invasive plant material not included in the Town of Nags Head Vegetative Planting Guidelines if it can be demonstrated that it is equal to or exceeds the plant material in the Guidelines in terms of size, hardiness, and overall quality.
- (8) Landscaping plans must include installation specifications and a maintenance plan to address long-term viability of proposed landscaping.
- (9) Properties that provide for drip irrigation of landscape materials or a landscape plan that consists entirely of native planting materials as specified in the Town of Nags Head Vegetative Planting Guidelines may reduce the overall number of required plantings by 10 percent.

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 7th day of February 2018.


 Benjamin Cahoon, Mayor
 Town of Nags Head

ATTEST:


 Carolyn F. Morris, Town Clerk



APPROVED AS TO FORM:

 John Leidy, Town Attorney

Date adopted: February 7, 2018

Motion to adopt by Commissioner Cahoon
 Motion seconded by Commissioner Siers
 Vote: 4 AYES 1 NAYS

AYES – Mayor Ben Cahoon; Mayor Pro Tem Susie Walters; Comr. Renée Cahoon; Comr. Michael Siers

NAYS – Comr. Webb Fuller