



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

WHEREAS, the Town of Nags Head Land Use Plan establishes the goal for "A built environment that reflects the heritage of "Old Nags Head;" and

WHEREAS, the Town finds that the impact of metal buildings can be mitigated through effective landscaped buffering and façade treatments; and

WHEREAS, the Town Land Use Plan establishes a goal to support services and businesses that share in the building of a community, and find that there is a need to allow metal structures for some uses; and

WHEREAS, the Town finds that these 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; and

WHEREAS, the Town has a long standing history and reputation of being a family oriented beach resort community with tourism being the principle economic base of the town. To complement this family beach environment and to continue our attractive image the town places great value on our natural resources, open space, and visual image of the built environment. In recent years there has been a progressive change in the visual image of commercial buildings in the town from buildings constructed primarily of wood to buildings utilizing metal and glass exteriors. As stated in the land use plan, "The design and architecture of structures built in the town will also influence the aesthetics of the town and should be viewed as a visual resource to be guarded." For some time now the town's citizens advisory committee and the town's planning board have been addressing the concerns noted above in the land use plan and have been investigating measures and incentives the town can take to protect our visual resources. Now, therefore the town finds it necessary to adopt zoning regulations restricting the use of exterior metal siding, and metal wall coverings on buildings located in whole or part within 300 feet of U.S. 158, U.S. 64-264, N.C. 12, or N.C. 1243.

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**, be amended as follows:

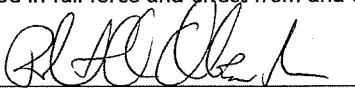
*Buffer yard* means a yard which contains materials used to provide sight and sound screening from adjoining properties and rights-of-way. The required height and width of the buffer yard and materials used in its construction vary according to use.

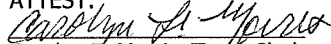
*Buffer yard, mature, or "mature buffer,"* means an established vegetated area already in existence at the time of development or redevelopment which contains trees of 6" caliper or greater, or shrubs of a height greater than 5', or combination thereof creating a densely vegetated landscape, that has the effect of providing a substantial visual barrier along a property's boundaries and within the property's yard setback.

PART II. That **Section 48-88, Building Exterior Wall Finish**, be amended as follows:

*Generally.* The exterior finish material of buildings located in whole or in part within 300 feet of U.S. 158, U.S. 64-264, N.C. 12, or N.C. 1243 shall not be comprised of more than ten percent metal siding or metal wall covering (excluding fascia (maximum 24 inches in width) door and window trim) material. When a metal building is buffered from the right-of-way of U.S. 158, U.S.64, N.C. 12 or N.C. 1243 by a mature buffer that is a minimum of 50 feet wide or is otherwise substantially screened from view, the setback may be reduced to 250 feet from such right-of-way.

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 5<sup>th</sup> day of December 2012.

  
Robert O. Oakes, Jr., Mayor  
Town of Nags Head

ATTEST:  
  
Carolyn F. Morris, Town Clerk



APPROVED AS TO FORM:

\_\_\_\_\_  
John Leidy, Town Attorney

Date adopted: December 5, 2012

Motion to adopt by Commissioner: \_\_\_\_\_  
Motion seconded by Commissioner: \_\_\_\_\_  
Vote: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS