

**AN ORDINANCE AMENDING THE KITTY HAWK TOWN CODE**

Whereas, the proposed amendments will allow building height to be measured from finished grade; and

WHEREAS, the proposed amendments will make up for lost building height due to the Flood Damage Prevention ordinance; and

WHEREAS, the proposed amendments will cap the amount of fill allowed on any given lot; and

WHEREAS, the Town Council of Kitty Hawk has found this amendment to be consistent with the Town's adopted CAMA Land Use Plan.

BE IT ORDAINED by the Town Council of Kitty Hawk that Section 42-1 and 12-141 of the Kitty Hawk Town Code be amended as follows:

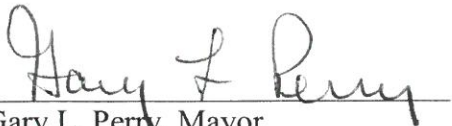
**42-1. Definitions**

*Ground elevation* means the mean elevation of the ~~undisturbed land~~ **final grade** computed at the perimeter of the proposed building's foundation or piling location.

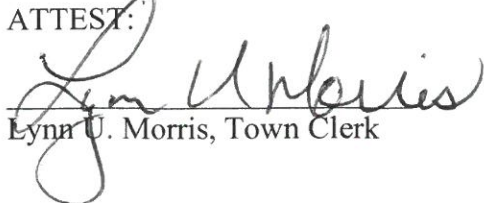
**12-141. Land disturbance.**

~~An owner or possessor may make reasonable use of his land, but~~ **Fill shall not be permitted to exceed the established Regulatory Flood Protection Elevation (RFPE), the fill height required by the Dare County Environmental Health Department for septic purposes, or 6 inches above the adjacent road surface, whichever is highest.** Interference with the flow of surface water shall not be unreasonable so as to cause harm and substantial damage to other property or public rights-of-way. Unreasonable use and substantial damage may subject the owner or possessor to a civil action for injunctive relief and damages.

This ordinance amending the Kitty Hawk Town Code shall take effect the 8th day of September, 2020. Passed and adopted at a regular meeting held by the Town Council of Kitty Hawk the 8th day of September, 2020, with a unanimous vote of 5-0.

  
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Gary L. Perry, Mayor

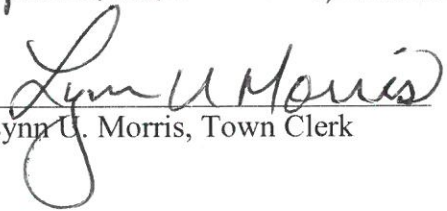
ATTEST:

  
\_\_\_\_\_  
Lynn U. Morris, Town Clerk

APPROVED AS TO FORM:

Casey Varnell, Town Attorney

The undersigned certifies that the foregoing official ordinance designated ORDINANCE AMENDMENT OF THE TOWN CODE OF KITTY HAWK, NORTH CAROLINA was filed in the Kitty Hawk Ordinance Book on the 9<sup>th</sup> day of September, 2020, at 4:00 o'clock P.M.

  
Lynn U. Morris  
Lynn U. Morris, Town Clerk