



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

BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that 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, side. A yard extending from the rear line of the required front yard to the rear yard. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line. The inner edge of the side yard shall be measured from the building foundation and may exclude the outermost three feet of eaves, gutters, uncovered handicapped ramps, or uncovered steps. This exclusion may also apply to cargo lifts for single-family or duplex dwellings only, and built-in railing benches constructed in accordance with the "Town of Nags Head Residential Design Manual". For single-family or duplex uses under common ownership, when the replacement of existing Heat Pumps or AC units are necessary and the unit stands are located in the building side yard setback, in order to comply with equipment manufactures recommended separation requirement, these units and stands may encroach to the least extent possible beyond the required side yard setback. HVAC stands and equipment for new construction and additions must meet all current setback requirements.

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

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 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 All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.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 1st day of December, 2010.

Robert O. Oakes, Mayor
Town of Nags Head

ATTEST:

Carolyn J. Morris, Town Clerk

APPROVED AS TO FORM:

John Leidy, Town Attorney

Date adopted: December 1, 2010

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS

