



**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, *Wind energy facility, roof top*** be amended as follows:

Wind energy facility, roof top no more than two *commercially manufactured* roof-mounted systems per site, attached to either principal or accessory structures, designed to supplement other electricity sources as an accessory use to existing principle buildings or facilities, wherein the power generated is used primarily for onsite consumption having a total rated capacity of 10 kW or less. The structural, mechanical, and electrical installation of such facilities shall conform to all applicable local, state and federal code and permitting requirements.

PART II. That **Section 48-402(b)(4), Permitted Uses, R-1 Low-density Residential District** be amended as follows:

(4) Customary accessory uses and structures, including private swimming pools, private docks, minor communication towers, dish antennas, *roof top wind energy facilities* and home occupations.

PART III. That **Section 48-403 (b)(5), Permitted Uses, R-2 Medium-density Residential District** be amended as follows:

(5) Customary accessory uses and structures, including private swimming pools, private docks, minor communication towers, dish antennas, *roof top wind energy facilities* and home occupations.

PART IV. That **Section 48-404(b)(5), Permitted Uses, R-3 High-density Residential District** be amended as follows:

(5) Customary accessory uses and structures, including private swimming pools, private docks, minor communication towers, dish antennas, *roof top wind energy facilities* and home occupations.

PART V. That **Section 48-405(b)(4) Permitted Uses, CR Commercial Residential District** be amended as follows:

(4) Customary accessory uses and structures, including private swimming pools, minor communication towers, dish antennas, *roof top wind energy facilities* and home occupations.

PART VI. That **Section 48-441(b)(7) Permitted Uses, SPD-20 Special Planned Development District** be amended as follows:

(7) Customary accessory uses and structures, including private swimming pools, private docks, minor communication towers, dish antennas, *roof top wind energy facilities* and home occupations.

PART VII. That **Section 48-442(d)(8) Permitted Uses, SED-80 Special Environmental District** be amended as follows:

(8) Accessory uses and structures limited to private swimming pool,

private tennis court, detached garage, storage building, *roof top wind energy facilities* and private dock. Any accessory use or structure shall meet the front, rear and side setbacks required for principal structures, except for water-dependent structures, which may be excluded from water-side setback only.

PART VIII. That **Section 48-865(b)(2) Permitted Uses, SPD-C Village Detached Single-family District** be amended as follows:

(2) Customary accessory uses and structures including *roof top wind energy facilities*.

PART IX. That **Section 48-866(b)(3) Permitted Uses, SPD-C Village Attached Single-family District** be amended as follows:

(3) Customary accessory uses and structures including *roof top wind energy facilities*.

PART X. That **Section 48-867(b)(4) Permitted Uses, SPD-C Village Multifamily District** be amended as follows:

(4) Customary accessory uses and structures including *roof top wind energy facilities*.

PART XI. That **Section 48-868(b)(4) Permitted Uses, SPD-C Village Townhouse I District** be amended as follows:

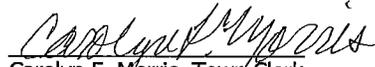
(4) Accessory structures for normal accessory uses and amenities including, but not limited to, security and management offices, swimming pools, and tennis courts and *roof top wind energy facilities*.

PART XII. 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 17th day of March 2010.



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: March 17, 2010

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS

