

**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 **Sec. 48-7, Definitions of Specific Words and Terms**, be amended to add the following:

Antenna means any communication equipment that transmits and receives electromagnetic radio signals used in the provision of all types of wireless communication services.

Antenna Array means a single or group of antenna elements and associated mounting hardware, transmission lines, or other appurtenances which share a common attachment device such as a mounting frame or mounting support structure for the sole purpose of transmitting or receiving electromagnetic radio signals used in the provision of all types of wireless communication services.

Collocation or collocated means the installation of new antenna arrays on previously approved structures, including towers, buildings, utility poles, and water tanks.

Concealed Building Mounted Antenna means a building mounted antenna or antenna array which is concealed by but not limited to, being located beneath the roof line, being screened behind an opaque façade, or blended into the building structure with faux windows, dormers or other architectural features that appear as part of the existing or proposed structure so that the antenna or antenna array is not visible by ordinary observation from the ground at the perimeter of the property boundary in any direction (360 degrees).

Communication tower, major, means any tower over 70 feet in height, measured from ground level to the highest point intended for transmitting or receiving radio, television or telephone or wireless communications.

Communication tower, minor, means any tower 70 feet or less in height, measured from ground level to the highest point intended for transmitting or receiving radio, television or telephone or wireless communications.

Roof line means the top plate or roof panel of a building or structure.

PART II. That Sec. 48-405(b), Permitted Uses within the CR, Commercial Residential Zoning District, be amended to add the following:

(6) Concealed Building Mounted Antenna installed flush with or below the roof line.

PART III. That **Sec. 48-405(c), Conditional Uses within the CR, Commercial Residential Zoning District**, be amended to add the following:

(6) Concealed Building Mounted Antenna not meeting the requirements of Section 48-405(b)(6).

PART IV. That **Sec. 48-407(b), Permitted Uses within the C2, General Commercial Zoning District**, be amended to add the following:

(12) Concealed Building Mounted Antenna installed flush with or below the roof line.

PART V. That **Sec. 48-407(c), Conditional Uses within the C2, General Commercial Zoning District**, be amended to add the following:

(29) Concealed Building Mounted Antenna not meeting the requirements of Section 48-407(b)(12).

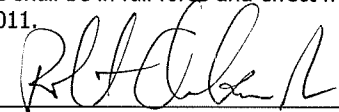
PART VI. That **Sec. 48-81(b), Exclusions from Height Limitations**, be amended to add the following:

(5) Concealed Building Mounted Antenna and the structural element used to conceal it shall not extend more than 15 feet above the roof line of the building or structure and be located away from the roof edge in order to be invisible from the ground.

PART VII. That **Sec. 48-4(d), Intent and purpose**, be amended to add the following:

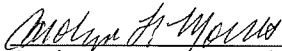
Should a court of competent jurisdiction declare this ordinance or any part thereof to be invalid, such a decision shall not affect the remaining provisions of this ordinance amendment nor any other portion of the Town Code of the Town of Nags Head, North Carolina which shall remain in full force and effect.

PART VIII. 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 December 2011.



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 7, 2011

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS