

**ORDINANCE OF THE TOWN OF DUCK, NORTH CAROLINA IMPOSING A  
TEMPORARY MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS FOR  
THE CONSTRUCTION OF WIND TURBINE STRUCTURES**

Ordinance No. 10-01

BE IT ORDAINED by the Town Council for the Town of Duck, North Carolina:

**PART I.**     Findings.     The Town of Duck has received a number of inquiries from private property owners within the Town regarding the placement and construction of wind turbine structures. The Town’s zoning regulations do not currently address wind turbine structures and would allow these as accessory structures in conjunction with a principal use if compliance with existing regulations such as height, setbacks, and lot coverage could be achieved. The Town is aware that there are a number of wind turbine structures currently on the market which could meet the aforementioned zoning restrictions and be located on property within the Town.

The Town of Duck, having conducted research on these structures over the past 18 months, is aware that wind turbine structures can create impacts to adjacent properties such as noise, shadow flicker, and physical damage when structural failure occurs, which may require regulatory standards in addition to what is currently provided by the Town Code. In addition, wind turbine structures may have aesthetic impacts to adjacent properties as well as the community at-large which may require that the Town consider overall impacts related to land use compatibility, height, and structural design.

The Town of Duck Town Council and Planning Board have been working to draft an ordinance to regulate these structures that is appropriate for the Duck Community. The Town has conducted a community survey to gain public input on regulatory standards and incentives that should apply to renewable energy components including wind turbines and solar panels. The Town has also been conducting a lengthy public involvement and fact finding process to research technical standards and community desires and how they should relate to these structures.

Therefore, for the above stated reasons and concerns, the Town does not wish to permit the construction of wind turbine structures until the Planning Board and Town Council have the opportunity to thoroughly research and draft standards that adequately protect the health, safety, and welfare of residents and visitors of the Town and preserve the Town’s desired form and appearance for physical development.

The Town, in order to comprehensively review concerns associated with wind turbine structures, shall not issue building permits for their construction. This moratorium shall apply to all parcels in the Town. This moratorium shall be in full force and effect through the Town Council's first meeting in **May 2010**.

The Planning Board shall begin review of ordinances to regulate wind turbine structures at their February regular meeting. A draft shall be prepared for review by the Town Council at the April regular meeting at which time the Town Council may decide whether to extend the moratorium or schedule a public hearing on the proposed ordinance at the May regular meeting.

**PART II.** Authority. The Town, pursuant to N. C. General Statute 160A-381 may by ordinance adopt temporary moratoria on any city development approval required by law.

**PART III.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**PART IV.** This ordinance shall be in full force and effect from and after the **3<sup>rd</sup>** day of **February, 2010**.

\_\_\_\_\_  
Dave Wessel, Mayor

ATTEST:  
\_\_\_\_\_  
Lori Kopec, Town Clerk

Date adopted: February 3, 2010

Motion to adopt by Councilor Thibodeau

Vote:   5   AYES   0   NOES