



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

WHEREAS, The Town desires to build an economy based on family tourism; and

WHEREAS, The Town works to support local business owners; and

WHEREAS, the Town finds that these text amendments are consistent with the goals, objectives and policies of the Town's adopted Land Use Plan, and that this action is reasonable and in the public interest.

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that Chapter 48, Zoning, of the Code of Ordinances shall be amended as follows:

PART I. That **Section 48-445(d) Conditional Commercial-Outdoor Recreational Uses, paragraph (1)**, be amended as follows:

d. Outdoor Amusement Rides and Games, including Ferris Wheels, as an Accessory Use to the uses listed in Section 48-445 (d)(1), subsections a and b. Additionally:

1. **The parcel upon which the amusements are located must have a minimum lot size of 3 acres.**
2. **Amusement Rides, including Ferris Wheels, shall be permitted in accordance with Town Code Section 48-81(b)(6), Exclusions from Height.**
3. **Amusement Rides of a height taller than 35' shall be limited to one and shall be set back a minimum distance of 1.1 times the amusement ride height from all property lines and rights-of-ways.**
4. **Proof of compliance with all state and federal regulations will be furnished to the Town upon request.**

PART II. That **Section 48-167(3), Required Parking by Use, Recreation Uses**, be amended as follows:

Amusement Rides and Games, Including Ferris Wheels –

One (1) parking space for each three (3) amusement ride seats, One (1) parking space for each two (2) employees associated with amusements and games plus required parking for any other uses.

PART III. That **Section 48-81(b), Exclusions from Height Limitations**, be amended as follows:

(6) Amusement Rides, including but not limited to ferris wheels, shall not exceed 60 feet in height above existing natural grade.

PART IV. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.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 5th day of December 2012.


 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 5, 2012
Motion to adopt by Commissioner _____
Motion seconded by Commissioner _____
Vote: _____ AYES _____ NAYS