



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

WHEREAS, The Board finds that in order to bring in amusement rides within the Outdoor Recreation Overlay District which are not governed by a Crowd Gathering or Special events permit, it is necessary to create some flexibility in the lighting ordinance while keeping the protection of the night sky as a goal.

WHEREAS, The Ordinance already states that, "Light fixtures for the recreational use shall be turned off no later than 11:30 p.m." (48-328); and

WHEREAS, The Land Use Plan States that,

- "The Town desires to build an economy based on family tourism;" and
- The Town desires to support local business owners; and

WHEREAS, After successful experience during the past summer with an active amusement park under the lighting exemption, and having received no complaints or concerns about the lighting of amusement rides, the Board finds that the exemption for amusement rides may be allowed to continue; 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 48-328(e), Specific Lighting Application Standards, Outdoor Recreation Facilities**, 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:
7. Outdoor Amusement Rides below 35 feet in height shall be exempt from the lighting ordinance. These exemptions shall apply between the hours of 9:00 am and 11:30 pm and between the dates of May 15 and September 15.
8. One ride over 35' in height shall be exempt from the lighting ordinance. The exemptions of paragraphs (7) and (8) shall apply between the hours of 8:00 am and 11:30 pm and between the dates of May 15 and September 15. ~~This exemption shall expire on and shall be reviewed no later than November 6, 2013.~~

PART II. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.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 6th day of November 2013.


Robert O. Oakes, Jr., Mayor

ATTEST:


Carolyn F. Morris, Town Clerk



