



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

WHEREAS, The Town Land Use Plan states that 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 an amusement park in operation with a ride over 35' in height did not detract from the architectural character of the Town, nor was it the subject of any complaint; and

WHEREAS, the Town finds that the addition of up to two more ride over 35' in height would draw a wider range of age groups and park users; and

WHEREAS; 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)(1)d, Conditional Uses within the Commercial- Outdoor Recreation Overlay District, Outdoor Amusement Rides and Games**, be amended as follows:

3. Amusement rides of a height taller than 35 feet shall be limited to ~~one~~ three and shall be set back a minimum distance of 1.1 times the amusement ride height from all property lines and rights-of-ways. All amusement rides, regardless of height, shall be setback a minimum of 20 feet from all property lines and rights-of-ways.

PART II. That **Section 48-328(e), Application Standards, Outdoor Recreation Facilities**, be amended as follows:

- (8) ~~One~~ Three rides over 35' in height per site shall be exempt from the lighting ordinance. The exemptions of paragraphs (7) and (8) shall apply between the hours of 9:00 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 III. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.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 6<sup>th</sup> day of November 2013.

A handwritten signature in black ink, appearing to read "Robert O. Oakes, Jr.", is written over a horizontal line.

Robert O. Oakes, Jr., Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Carolyn F. Morris", is written over a horizontal line.  
Carolyn F. Morris, Town Clerk



APPROVED AS TO FORM:

\_\_\_\_\_  
John Leidy, Town Attorney

Date adopted: November 6, 2013

Motion to adopt by Commissioner \_\_\_\_\_

Motion seconded by Commissioner \_\_\_\_\_

Vote: \_\_\_\_\_ AYES \_\_\_\_\_ NAYS