



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

WHEREAS, The Town's 2010 Land Use Plan Vision states that the Town wants to develop,

"Commercial services provided by locally owned and operated businesses that share in the building of our community; and

Recreational amenities and attractions, both commercial and non-commercial that are wholesome and appeal to a broad spectrum of family members, age groups and interests." (2010 Land Use Plan, p. 87)

WHEREAS, The Town finds that an Aerial Park would provide a new type of outdoor recreational opportunity which would serve a variety of users and be compatible with the other uses allowed within the Outdoor Recreation Overlay District; and

WHEREAS, This use will have to comply with all building codes as well as standards of the Association for Challenge Course Technology which would provide oversight and standards accepted by the outdoor industry to ensure safe construction, maintenance and operation of the facility; 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)(1)(e), Conditional Uses within the Commercial-Outdoor Recreation Overlay District, "Aerial Adventure Park"** be added as follows:

Sec. 48-445. Commercial-outdoor recreational uses overlay zoning district.

(d) *Conditional commercial-outdoor recreational uses.*

(1) The following commercial-outdoor recreational uses are allowed as conditional uses in only the commercial-outdoor recreational uses overlay district:

(e) Aerial Adventure Park

a. Lot size shall be a minimum of one acre in size (43,560 square feet).

b. Shall be compliant with Association for Challenge Course Technology (ACCT) or more stringent standards.

c. When using utility poles taller than a height of 35 feet they shall be set back a minimum of 1.1 times the eight from all property lines and rights-of-ways.

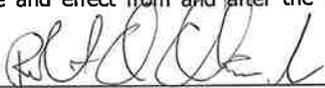
d. Under no circumstance shall any portion of the aerial park exceed 60 feet in height from natural or original grade.

e. Where an established mature vegetative buffer of ten feet in height does not exist, a privacy fence of opaque material or ten feet in height shall be constructed along all property lines abutting a residential use area.

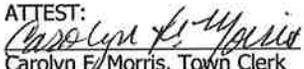
PART II. That **Section 48-167(3), Required Parking by Use, Recreational Uses**, be amended as follows:

Aerial Adventure Park or Outdoor Ropes Course	<u>1 parking space per 3 elements within the course, plus a minimum of 4 parking space for employees.</u>
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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 2nd day of **October 2013**.



Robert O. Oakes, Jr., Mayor

ATTEST:

Carolyn F. Morris, Town Clerk



APPROVED AS TO FORM:

John Leidy, Town Attorney

Date adopted: October 2, 2013

Motion to adopt by Commissioner _____
Motion seconded by Commissioner _____
Vote: _____ AYES _____ NAYS