



**ORDINANCE AMENDING ARTICLE 5, ARTICLE 6 AND THE APPENDIX
OF THE UNIFIED DEVELOPMENT ORDINANCE
OF THE CODE OF ORDINANCES
TOWN OF ATLANTIC BEACH, NORTH CAROLINA**



WHEREAS, the Town of Atlantic Beach is interested in facilitating recreation and amusement opportunities for residents and visitors; and

WHEREAS, the text of the Unified Development Ordinance does not presently allow amusement centers to be located in any zoning district; and

WHEREAS, the Town is interested in activities for youth; and

WHEREAS, the text amendments in Article 5, Article 6 and the Appendix will clearly outline the procedures for the location, development and regulation of such uses;

THEREFORE, BE IT HEREBY ORDAINED by the Town of Atlantic Beach that the Unified Development Ordinance of the Town of Atlantic Beach, North Carolina is amended as attached.

Adopted on a motion of Councilmember Ann Batt, seconded by Mayor Pro Tem Harry Archer, and approved on a vote of five (5) in favor and zero (0) against.

This nineteenth day of January, 2010

TOWN OF ATLANTIC BEACH

By: _____
A. B. Cooper, III, Mayor

ATTEST:

Kelly L. Cyrus, Town Clerk

ARTICLE 5. ZONING DISTRICTS

Section 5.5 Table of Permitted/Conditional Uses

P - Permitted Use PS - Permitted Use with Special Regulations
 C - Conditional Use CS - Conditional Use with Special Regulations

| Uses | Primary Zoning Districts | | | | | | | | | | Overlay District | | Supplemental Regulations |
|--|--------------------------|--------|--------|------|-----|-----|-----------|-----------|-----------|----|------------------|------|--------------------------|
| | R-1(C) | R-1(5) | R-1(7) | R-1M | R-2 | R-3 | RS | CDD | CB | GB | RMU | COD* | |
| Accessory buildings, customary | | P | P | P | P | P | P | | | P | P | PS | |
| Accessory dwellings | | | | | | | PS | | | | | | Section 6.8 |
| Accounting office | | | | | | | C | PS | P | P | C | PS | Section 6.8 |
| Accounting, tax preparation, bookkeeping, and payroll services | | | | | | | PS | P | P | C | C | PS | Section 6.8 |
| Administrative office facilities | | | | | | | C | PS | P | P | C | PS | Section 6.8 |
| Adult oriented businesses | | | | | | | | | | CS | | CS | Section 6.2 |
| Advertising and related agencies | | | | | | | | PS | P | P | C | PS | Section 6.8 |
| Amusement Centers | | | | | | | CS | CS | CS | | | | Section 6.39 |
| Animal hospital | | | | | | | | | P | P | | PS | |
| Antique shop | | | | | | | | C | PS | P | P | PS | Section 6.8 |
| Appliance repair shop | | | | | | | | | | P | | PS | |
| Appliance stores | | | | | | | | PS | P | P | | PS | Section 6.8 |
| Arcades | | | | | | | | C | PS | P | P | PS | Section 6.8 |
| Art dealers | | | | | | | | C | PS | P | C | PS | Section 6.8 |
| Art museums | | | | | | | | C | PS | P | C | PS | Section 6.8 |
| Arts and crafts supply stores | | | | | | | | PS | P | P | | PS | Section 6.8 |

* Refer to Article 6, Section 6.1.

NOTE: CDD regulations shall supercede all other zoning standards. 5-7

AMUSEMENT CENTERS

6.39 Amusement Center

1) Conditional Use Review Process outlined in Article 14 and 15 shall be followed.

6.39.1 Development standards:

| | |
|----------------------------|-------------------------------|
| Minimum Area | Underlying zoning district |
| Minimum Setbacks | Underlying zoning district |
| Maximum Impervious Surface | Underlying zoning district |
| Maximum Height | Underlying zoning district |
| Parking | As approved by Planning Board |
| Signage | Per Article 11 |

6.39.2 Conditions

Amusement parks and rides, including accessory uses are subject to the following conditions:

- 1) The use complies with all applicable development standards of the underlying zoning district
- 2) The use will be an enhancement to the character and sense of place of the Town.
- 3) The use has taken measures to not be injurious to adjoining property, including, but not limited to:
 - A. Limiting the hours of amusement center operation to hours approved by the Planning Board.
 - B. Limiting the heights of amusement ride structures to the maximum height of the underlying zoning district or less, to be decided by the Planning Board.
 - C. Controlling and shielding of all lighting so as not to cast undue glare onto adjoining residentially zoned or used properties.
 - D. Controlling of all elements that produce noise, so as not to create nuisance conditions off-site.
 - E. Permit shall be issued for no more than 180 consecutive days.

All associated permits from applicable agencies must be submitted in conjunction with the site plan after TRC review but prior to Planning Board review.

6.39.3 Site Plan

A site plan drawn to scale shall be submitted that includes the following

Name of amusement or amusement Park
Name and address of owner and developer
North arrow
Date of plan
Sketch vicinity map
Roads and streets
Location of all structures – temporary and permanent
Location of septic tanks and drain fields where applicable
Zoning classification of the property
Fire hydrant locations
Proposed hours of operation
Buffering and landscaping plans
Parking
Restrooms
Vending areas
Rides – with dimensions, noise and light indicators
Trash receptacles- with dimensions
Lighting
Ingress and egress
Management and security plan

Appendix A - Definitions:

Amusement Center: An outdoor amusement business consisting of games, exhibitions, or riding devices such as merry-go-rounds, Ferris wheels or other rides and food vendors or concessions.