



AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT ORDINANCE OF THE TOWN OF NAGS HEAD, NORTH CAROLINA AS IT PERTAINS TO THE TOWN'S CROWD GATHERING PERMIT PROCESS.

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. § 160D-701, the Town of Nags Head (the "Town") may enact and amend ordinances regulating the zoning and development of land within its jurisdiction and specifically the location and use of buildings, structures and land; pursuant to this authority and the additional authority granted by N.C.G.S. Chap. 160D-702, the Town has adopted comprehensive zoning regulations and has codified the same within the Unified Development Ordinance, Part II of the Town Code, adopted pursuant to N.C.G.S. § 160D-103, which allows the Town to combine certain land development ordinances into a unified ordinance;

WHEREAS, Section 2.4.4.3 of the Unified Development Ordinance provides that the powers and duties of the Planning Board include developing and recommending policies, ordinances, development regulations, administrative procedures, and other means for carrying out plans in a coordinated and efficient manner;

WHEREAS, Section 3.5.1. of the Town Code makes clear that a zoning ordinance text amendment may be initiated by motion of the Board of Commissioners, by motion of the Planning Board, or by application by any person within the zoning jurisdiction of the Town;

WHEREAS, at their August 6, 2025 meeting, the Nags Head Board of Commissioners reached a consensus to move forward with a review of the town's ordinances related to crowd gathering permits;

WHEREAS, the requested amendment is consistent with the 2022 Comprehensive Land Use Plan;

ARTICLE II. Construction.

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein but are instead replaced by an ellipsis ("...") shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of the Unified Development Ordinance.

PART I. That **Section A.4 – Definitions**, be amended as follows:

Designated public events site means a use as set forth in Section 6.6, Table of Uses and Activities. This use shall include a parcel or contiguous group of parcels of acreage greater than five ten, owned by the public and designated by the board of commissioners, as part of the special use permit process, for the purpose of creating a variety of opportunities for recreation, leisure, social or cultural experiences and special events in accordance with the regulations of this Code. Public event sites may include temporary and fixed structures, as approved by the building inspector and/or the Fire Marshal or their designee, and can host multiple uses with an events site and management plan and permit approved by the Town Manager or their designee.

Outdoor place of amusement and entertainment means any place of amusement and entertainment which operates out of doors or outside a building or structure which is completely walled on all sides or not having a complete roof. Any shed or building within the terms of this UDO not completely walled in on all sides, and any tent or temporary structure or building, shall be deemed to be an outdoor place of amusement and entertainment. No outdoor place of amusement and entertainment shall be open for business, operate, or be open for customers, clients or members, nor shall any owner, tenant, lessee, manager, or operator thereof, allow such place to be open for business, operate, or be open for customers, clients, or members thereof, between the hours of 12:00 midnight and 7:00 a.m. local time.

Place of amusement and entertainment means any site, location, lot, building or structure of any description whatsoever, whether indoors or outdoors, at which entertainment or amusement is

provided to or for the general public or private membership, whether free or for charge or donation. The term shall include, but not be limited to, the following:

- (1) Pool and billiard halls;
- (2) Dance halls;
- (3) Carnivals;
- (4) Circuses;
- (5) Itinerant shows or exhibitions of any kind;
- (6) Coffee houses;
- (7) Cocktail lounges;
- (8) Nightclubs;
- (9) Beer halls;
- (10) Amusement parks and pavilions;
- (11) Bowling alleys;
- (12) Golf courses, miniature and carpet golf courses;
- (13) Adult entertainment houses and membership clubs.

PART II. That **Section 7.58 Designated Public Events Site**, be amended as follows:

Designated public event sites are permitted in accordance with Section 6.6, Table of Uses and Activities, subject to the following regulations:

7.58.1. A special events **crowd gathering** permit, **as established in Chapter 4 of the Town Code**, is required for events held at a designated public events site for events that expect more than 100 **total** attendees. Applications, including a site and management plan for events, must be made to the **crowd permit coordinator** Town Manager's office **in accordance with Chapter 4 of the Town Code**, no less than fourteen (14) days prior to the initiation of any event or temporary use to take place on the site in order for the Town to:

7.58.1.1. Evaluate requests for Town assistance and costs to be charged as associated with the event;

7.58.1.2. Determine and schedule what types of site inspections may be needed;

7.58.1.3. Evaluate parking, site access and traffic controls;

7.58.1.4. Evaluate crowd controls and flow, and site requirements for bathroom, water and other facilities that may be required to protect the health and welfare of the participants;

7.58.1.5. Confirm that NC Alcohol Law Enforcement (ALE) and Dare County Health Department requirements have been met;

7.58.1.6. To assign and charge any fees associated with use of Town personnel; and

7.58.1.7. Schedule repeating events.

7.58.2. Events site and management plan shall include:

7.58.2.1. Contact information and cell phone for the person in charge of the event.

7.58.2.2. A brief description of the event with an estimated number of expected participants. Ticketed events should indicate the maximum number of tickets that will be sold.

7.58.2.3. A site plan map showing:

7.58.2.3.1. The location of all temporary structures, including tents, stages, concessions, bathroom facilities, or rides.

7.58.2.3.2. A traffic and parking plan indicating site ingress/egress, traffic flow direction, designated parking areas, and the number of parking spaces. Ticketed events must have one space for every three tickets sold. If off-site parking is anticipated, plan must indicate where off-site parking will be located and document approval from those property owners.

7.58.2.3.3. The amount, type, and location of temporary signage, subject to the provision of Article 10, Part III, Sign Regulations of this UDO, and the following:

7.58.2.3.3.1. Directional signage less than twelve (12) square feet may be located at strategic locations to direct pedestrians and motorists.

7.58.2.3.3.2. Temporary advertisement, sponsorship, or commercial signage shall be directed internally to the event itself and shall not be located adjacent to or addressing adjacent properties, the US 158 right of way or the beach or sound.

~~7.58.2.3.3. Temporary signs shall be displayed only during the actual time period of the event and shall be promptly removed at the close of such event.~~

~~7.58.2.3.4. Notes or attachments related to any additional documentation pertinent to the planned event, including but not limited to:~~

~~7.58.2.3.4.1. Approvals required from other agencies (ALE, NCDHHS).~~

~~7.58.2.3.4.2. Off-site parking arrangements.~~

~~7.58.2.3.4.3. Proof of insurance related to the event.~~

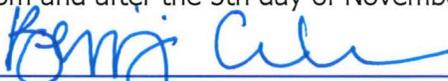
~~7.58.3. Failure to comply with inspection and code requirements can result in fines and/or suspension of the use of the site in accordance with Section 1.10, Violation of UDO Regulations, of this UDO and other applicable local and state regulations.~~

PART III. Severability.

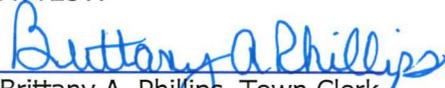
All Town ordinances or parts of ordinances in conflict with this ordinance amendment are hereby repealed. Should a court of competent jurisdiction declare this ordinance amendment or any part thereof to be invalid, such decision shall not affect the remaining provisions of this ordinance amendment nor the Unified Development Ordinance or Town Code of the Town of Nags Head, North Carolina which shall remain in full force and effect.

PART IV. Effective Date

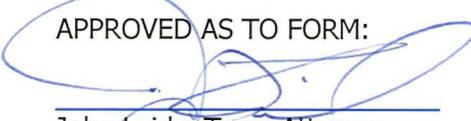
All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect from and after the 5th day of November 2025.


Benjamin Cahoon, Mayor

ATTEST:


Brittany A. Phillips, Town Clerk

APPROVED AS TO FORM:


John Leidy, Town Attorney

Date adopted: November 5, 2025

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS

