



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

BE IT ORDAINED by the Board of Commissioners of the Town of Nags Head, North Carolina, that the Code of Ordinances shall be amended as follows:

PART I Add to the definition of Town Code Sections 48-7 as follows:

*Designated Public Events Site: A parcel or contiguous group of parcels of acreage greater than 5, owned by the public and designated by the Board of Commissioners 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 can host multiple uses with an events site and management plan and permit approved by the Town Manager.*

PART II That Town Code Section 4-2 "Permit" (a) be amended as follows:

*Requirements.* any outdoor performance or event which is expected by the sponsors thereof to draw a crowd of more than 100 participants and spectators shall not be held, commenced or advertised until such time as a permit is applied for and issued in accordance with this article. Unless held on a Designated Public Events Site, as defined in 48-7 A permit issued under this article shall be valid only for a period of seven consecutive days, and may not be renewed or reissued prior to the passage of 25 days from the prior event. All outdoor performances and events shall be contained either within the applicant's property or within property upon which the applicant has written permission from the owner to use. If live music or an electronic sound amplification system is being proposed with the event, the applicant shall comply with article III, Chapter 16 of this Code.

PART III That Town Code Section 4-231 Commercial Outdoor Recreational Uses "Regulations" be amended as follows:

The following regulations apply to all commercial-outdoor recreational uses as regulated in section 48-445, commercial-outdoor recreational uses overlay district, and all other permitted commercial-outdoor recreational uses:

- 1) The hours of operation, with the exception of charter boats and guide boats, shall be within the time period of 8:00 a.m. to 11:00 p.m. daily. All activity shall cease at 11:00 p.m., and all patrons shall leave the site by 11:30 p.m. Only essential security lights shall be on after 11:30 p.m.
- 2) Noise from any use or combination of uses, including crowd participation and spectators, and noise produced in estuarine waters, shall not exceed the maximum permitted sound levels by zoning district as regulated in section 16-73
- 3) Unless held on a Designated Public Events Site, no whistles, loudspeaker devices or other broadcasting or amplification shall be used outdoors.

- 4) Bumper boats shall utilize either four-cycle or electric engines only.
- 5) Small fishing skiff shall utilize either electric or four-cycle engines only, with a maximum horsepower of 25.
- 6) All go-cart engines shall be mechanically governed to limit the speed to 28 mph.
- 7) All permitted commercial water activities, including boats, wind-surfers, etc., shall maintain a distance of at least 600 feet parallel to the estuarine shoreline off any residentially developed district (R-1, R-2, R-3, CR, SPD-20, SED-80, and SPD-C), except when actively hunting or fishing. For the purpose of this article, a residentially developed district shall be any residential district where ten percent or more of the lots within a subdivision adjacent to the shoreline are developed residentially.
- 8) Airboats shall not be operated unless all the manufacturers' standard mufflers and noise-reduction equipment are used and are in proper operating condition.
- 9) Temporary uses or special events on Designated Public Events Sites, or other crowd gathering activities for which more than 100 people are expected, are required to have a Special Events Permit and to submit an events site and management plan to the Town Manager for review and approval in accordance with Section 48-445 with any new activity proposed for the site. Public event sites may include temporary and fixed structures, as approved by the Building Inspector, and can host multiple uses.

PART IV That Town Code Section 48-445 Commercial Outdoor Recreational Overlay Zoning District (c) "Conditional commercial-outdoor recreational uses" be amended as follows:

1. The following commercial-outdoor recreational uses are allowed as conditional uses in only the commercial-outdoor recreational uses overlay district:
  - a) Water-dependent commercial-outdoor recreational uses limited to the following: . .
  - b) Land-dependent commercial-outdoor recreational uses limited to the following: . .
  - c) Designated Public Events Site  
. . . .
3. Conditional commercial-outdoor recreational uses and accessory uses are allowed subject to the requirements of this section and provided that the following conditions are met:
  - a. Commercial-outdoor recreational uses shall be in accordance with applicable standards in section 4-231, commercial-outdoor recreational uses.
  - b. A 12-foot wide vehicular accessway suitable for firefighting and rescue equipment as approved by the town shall connect the commercial-outdoor recreational use to the driveway with the exception of piers and docks, unless such development is prohibited by local, state or federal regulations. Emergency accessways may also be used for the required pedestrian accessway.
  - c. The commercial-outdoor recreational use shall be connected to all improved facilities including restrooms and parking areas by improved walkways. Such walkways shall be at least five feet wide and constructed of concrete, asphalt, wood, or other similar material and may also be used as vehicular emergency accessways if they meet the standard in subsection (d)(3)b of this section.
  - d. No portion of any fueling area and/or gasoline storage area shall be further than 500 feet or closer than 50 feet to a fire hydrant. The location of the fire hydrant shall be approved by the town.
  - e. Except for water-dependent uses, all crowd or spectator areas shall be designed and sited such that any noise, cheering, etc., resulting from the crowd or spectators is directed toward the interior of the site. Typical spectator areas would include bleachers or open picnic areas.

- f. Lighting shall be in accordance with the security lighting standards in article IX of this chapter.
- g. When an existing or proposed parking lot is designed and improved to allow access to adjoining properties within the commercial-outdoor recreational uses overlay zoning district, the applicant and each adjoining property owner may reduce the parking space requirement by ten percent provided that cross-easements are recorded in the county registry that allow unrestricted parking and traffic flow between the proposed and existing lots. The vehicular travel area included in the cross-easement shall be excluded from lot coverage calculations, as shown in the following diagram, unless it is within the estuarine AEC.
- h. All petroleum products shall be stored in accordance with NFPA 30 and The North Carolina Fire Prevention Code standards. All petroleum products subject to the above regulations shall be stored no closer than 50 feet or a distance equal to one-half the lot width whichever is less from any property line, right-of-way, drainage ditch, or estuarine waters unless the above regulations require a greater setback. All sites subject to the above regulations shall be inspected at least on an annual basis by the town, or prior to events associated with Crowd Gathering Permits or the Designated Public Events Site.
- i. Designated Public Events Sites require a special events permit with a site and management plan for events that expect more than 100 attendees. Applications must be made to the Naqs Head Town Manager's Office no less than 14 days prior to the initiation of any event or temporary use to take place on the site in order for the town to:
  - a. Evaluate requests for Town assistance and costs to be charged as associated with the event.
  - b. Determine and schedule what types of site inspections may be needed.
  - c. Evaluate parking, site access and traffic controls.
  - d. 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.
  - e. Confirm that State ALE, and County Health Department requirements have been met, and
  - f. To assign and charge any fees associated with use of Town personnel
  - g. Schedule repeating events.
  - h. Events site and management plan shall include:
    - 1. Contact information and cell phone for the person in charge of the event.
    - 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.
    - 3. A site plan map showing:
      - h.i. The location of all temporary structures, including tents, stages, concessions, bathroom facilities, or rides.
      - h.ii. 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 3

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.

h.iii. The amount, type, and location of temporary signage, subject to the provision of 48-283, and the following:

h.iii.1. Directional signage less than twelve (12) square feet may be located at strategic locations to direct pedestrians and motorists:

h.iii.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 US158 right-of-way or the Beach or Sound.

h.iii.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.

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

h.iv.1. Approvals required from other agencies (ALE, State Health Department)

h.iv.2. Off-site parking arrangements

h.iv.3. Proof of insurance related to the event

i. 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 1-6 and other applicable local and State regulations.

4. Combination of commercial-outdoor recreational uses. Unless held on a Designated Public Events Site as defined in 48-7, the combination of two or more commercial-outdoor recreational uses on any site, including accessory uses previously listed in this section shall be permitted subject to the following additional requirements: .

PART V That Town Code Section 48-283 (2) be amended as follows:

Directional signs. Directional signs, provided that such signs shall be neatly painted and maintained, shall only convey directional information to a noncommercial establishment, site or facility and shall not be lighted except as provided as follows:

- a. Temporary real estate directional signs, not exceeding two square feet in area, directing the way to premises which are for sale, rent or lease are permitted, provided that such signs shall be neatly painted or printed and shall be removed promptly when the property has been sold, rented or leased.
- b. Directional signs not over four square feet in area indicating the location of churches, schools, hospitals, parks, scenic or historic places, or other places of general interest. Such signs shall not exceed three feet in total height.
- c. Directional signs at municipal parks, playgrounds, designated public event sites and governmental (federal, state, local) facilities, not over 12 square feet in sign area indicating the location of offices, parking areas, recycling stations, and other facilities shall be permitted. The sign(s) may be illuminated in accordance with article IX of this chapter.

- d. Directional signs at hospital sites, not to exceed 48 square feet in sign area, indicating the location of onsite hospital and medical office facilities. The sign(s) may be illuminated in accordance with article IX of this chapter.

That Town Code Section 48-283(6) be amended as follows:

*(6) Identification sign.* The following identification signs are permitted, provided that such sign shall be located on the site it identifies, shall be neatly painted and maintained and shall be limited only to announcing the name, owner and location of the site:

- e. One freestanding governmental (federal, state, local) and publicly owned identification sign not to exceed ~~48~~ 64 square feet in sign area shall be permitted at the major entrance to a governmental or publicly owned site or designated public events site and may be illuminated in accordance with article IX of this chapter. Such sign shall not exceed 10 feet in height and shall be limited to identifying only the name of the site and the advertisement of current and future meetings or events that are located entirely on the site. Where the property has frontage on both US 158 and NC 12 public right-of-ways, one freestanding sign not exceeding ~~48~~ 64 square feet in area shall be permitted to be located adjacent to each public right-of-way. Where the property is on a corner lot with frontage on more than one public right-of-way, a maximum of two freestanding signs shall be permitted. One freestanding sign not exceeding ~~48-64~~ square feet in areas shall be permitted adjacent to the public right-of-way boundary of the designated front yard of the property. One freestanding sign not exceeding 24 square feet shall be permitted adjacent to a public right-of-way boundary of a designated side yard of the property. The freestanding sign permitted in the side yard shall be located no closer than 70 feet to the designated front yard public right-of-way boundary and installed so that the sign face is perpendicular to the side yard public right-of-way boundary.
- f. Identification signs or banners for individual vendors or sponsors associated with a Special Events Permit or other use on a designated public events site, are permitted within the designated event site but must be directed internally to the event and not toward the exterior of property or along the Beach, Sound or roadway. Such signs shall not be located adjacent to the US158 right-of-way or abutting property lines.

PART VI. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

PART VII. This ordinance shall be in full force and effect from and after the 6<sup>th</sup> day of June 2012.

  
Robert O. Oakes, Jr., Mayor

ATTEST:

  
Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

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

Date adopted: June 6, 2012

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

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

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





**TOWN OF NAGS HEAD  
STATEMENT OF CONSISTENCY  
WITH THE LAND USE PLAN FOR A ZONING TEXT AMENDMENT**

**BE IT HEREBY RESOLVED** by the Board of Commissioners for the Town of Nags Head, that in accordance with provisions of North Carolina General Statute 160A-383, the Board of Commissioners hereby finds and determines that the adoption of the requested zoning text amendment regarding a Public Event Site in the Commercial Outdoor Recreational District Overlay is 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 because it supports the Town's Vision Statement to:

1. Build a community with an economy based on family vacation tourism. The base of that economy is a high quality beach experience..."
2. Provide "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."

**READ, APPROVED AND ADOPTED** by a unanimous vote, this the 6<sup>th</sup> day of June 2012.

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 Morris", is written over a horizontal line.

Carolyn Morris, Town Clerk

Cliff Ogburn, Town Manager