



**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PART I. That **Section 48-372, Outdoor Fresh Produce Stands**, be rescinded in its entirety.

PART II. That **Section 48-374, Hot Dog Vending Stands**, be rescinded in its entirety.

PART III. That **Section 48-375, Coffee Vending Stands**, be rescinded in its entirety.

PART IV. That **Section 48-372, Outdoor Stands**, be added as follows:

Sec. 48-372. Outdoor stands.

Outdoor stands as permitted by this chapter shall be subject to the following provisions:

(1) The principal sale of items at an outdoor stand shall be limited to either fresh produce, hot dogs, or coffee. The sale of any other items shall be incidental and limited to no more than ten percent of the display area or ten percent of sales.

(2) Only one outdoor stand shall be allowed per site. The stand shall not be required to be a permanent structure and may be located upon a trailer. When located upon a trailer, skirting shall be installed around the perimeter to screen the wheels, axles, and towing hitch from view.

(3) The stand area, inclusive of display counters and awnings, shall not exceed 400 square feet for produce stands and shall not exceed 150 square feet for hot dog and coffee stands. Refrigeration units may be utilized within the stand area. The location of the stand on the site shall comply with minimum district yard regulations for principal use structures.

(4) Produce stands shall be temporary and may be operated for a period of time not to exceed 180 days annually. The dates of operation shall be limited to between May 1 and November 1 each year. Hot dog and coffee stands may be operated year round, but shall not be left on the property overnight and must be removed daily.

(5) All stands shall comply with applicable Dare County Health Department regulations and permitting requirements.

(6) When located on a site with 50 or more existing parking spaces, no additional parking spaces will be required. When located on a site with less than 50 parking spaces a minimum of three off-street parking spaces provided in accordance with parking regulations of this chapter shall be provided.

(7) When the regulations contained in this subsection are in conflict with the general regulations of Chapter 12, Article III, Peddlers and Itinerant Merchants, the provisions of this Chapter (Chapter 48, Zoning) shall prevail.

PART V. That **Section 48-407(b), Permitted uses, C-2 General commercial district**, be

amended as follows:

- ~~(10) Outdoor fresh produce stands as an accessory use to retail shopping centers.~~
- ~~(11) Hot dog vending stands as an accessory use to retail shopping centers.~~
- ~~(12) Coffee carts as an accessory use to retail shopping centers.~~

(10) Outdoor stands as an accessory use to retail shopping centers pursuant to Section 48-372.

PART VI. That **Section 48-861(b), Permitted uses, Village Commercial 1 district**, be amended as follows:

- ~~(3) Outdoor fresh produce stands as an accessory use to shopping malls.~~
- ~~(4) Hot dog vending stands as an accessory use to shopping malls.~~
- ~~(5) Coffee carts as an accessory use to shopping malls.~~

(3) Outdoor stands as an accessory use to shopping malls pursuant to Section 48-372.

PART VII. That **Section 48-862(b), Permitted uses, Village Commercial 2 district**, be amended as follows:

- ~~(4) Outdoor fresh produce stands as an accessory use to neighborhood shopping cluster.~~
- ~~(5) Hot dog vending stands as an accessory use to neighborhood shopping cluster.~~
- ~~(6) Coffee carts as an accessory use to neighborhood shopping cluster.~~

(4) Outdoor stands as an accessory use to neighborhood shopping cluster pursuant to Section 48-372.

PART VIII. That **Section 48-284(2), Signs permitted in commercial districts**, be amended as follows:

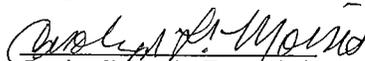
h. Outdoor stands fresh produce stands, hot dog vending stands and coffee carts shall be allowed one temporary sign attached to the stand. Such sign shall not exceed 15 square feet in area or extend above the roof of the stand. This sign area shall be exempt from the calculation of total commercial site sign area limitations imposed by this subsection.

PART IX. 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 19th day of May 2010.



Robert O. Oakes, Jr., Mayor
Town of Nags Head

ATTEST:


Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

John Leidy, Town Attorney



Date adopted: May 19, 2010 (Second Reading)

Motion to adopt by Commissioner Mayor Bob Oakes

Motion seconded by Commissioner Comr. Anna Sadler

Vote: 3 AYES 1 NAYS 1 ABSENT

- AYES Mayor Bob Oakes
 Mayor Pro Tem Wayne Gray
 Comr. Anna Sadler
- NAYS Comr. Doug Remaley
- ABSENT Comr. Renée Cahoon