

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

WHEREAS, The Town desires to build an economy based on family tourism; and

WHEREAS, The Town works to support local business owners; 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:

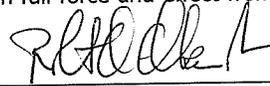
PART I. That **Section 48-372, Outdoor Stands**, be amended as follows:

Section 48-372, Outdoor Stands.

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

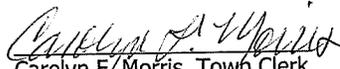
- (1) The principal sale of items at an outdoor stand shall be limited to either fresh produce, hot dogs, coffee, ice cream or Italian ice and fudge. The sale of any other items shall be incidental and limited to no more than ten percent of the display area or ten percent of sales.
- (2) Only one outdoor 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, coffee, ice cream and Italian ice and fudge 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, coffee, ice cream and Italian ice and fudge 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 in accordance with parking regulations of this chapter shall be provided.
- (7) When the regulations contained in the 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 II. 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 6<sup>th</sup> day of March 2013.



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: March 6, 2013

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

Vote: 4 AYES 0 NAYS (Comr. Anna Sadler was not present.)