



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

WHEREAS, A text amendment was initiated by the Board of Commissioners to address an inconsistency between regulations allowing yard sales and regulations allowing real estate open-houses; and

WHEREAS, The Town Board desires to keep local ordinances up to date and applicable with current conditions and to be consistent in enforcement; and

WHEREAS, The 2010 Adopted Land Use Plan states that the Town vision is to be a good place to live as well as a good place to visit with a well-organized pattern of land use that also supports 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~~, the Town's of the Code of Ordinances shall be amended as follows:

**PART I. That Chapter 12 Businesses and Licensing, Article VI Yard Sales, Section 12-222 Permit, be amended as follows:**

**Sec. 12-222. - Permit.**

- (a) Any individual desiring to hold a yard sale shall apply for a permit from the town no less than four working days in advance of the date of each sale.
- (b) The applicant must be the owner of record of the property upon which the sale is to be held.
- (c) The applicant shall provide the names and addresses of any other individuals desiring to offer articles for sale.
- ~~(d) The applicant shall provide evidence that no less than ten off-street parking spaces can be provided on the premises or within 400 feet of the premises.~~
- ~~(e)~~ (d) Merchandise offered for sale shall not be transported in from outside the county limits.
- ~~(f)~~ (e) There shall be no fee charged for the permit.
- ~~(g)~~ (f) The permit must be displayed on the premises, so as to be seen plainly from the street.

**Part II That Section 12-223 Regulations, be amended as follows:**

**Sec. 12-223. - Regulations.**

- (a) Permitted Signs. One freestanding ~~on-premises directional~~ sign, not to exceed a total of ten square feet on each side in area, ~~shall be permitted to be placed on yard sale premises~~ Multiple off-premises directional signs may be placed on private property provided that the signs shall: (i) direct the way to premises which are hosting a permitted yard sale; (ii) not exceed two (2) square feet in area; and (iii) shall be neatly painted or printed.
- (b) No yard sale shall begin before 8:00 a.m. or continue after 6:00 p.m.
- ~~(dc) Parking spaces shall be set back a minimum of five feet from all front, side and rear lot lines.~~
- (c) Merchandise for sale shall not be displayed within 15 feet of the right-of-way line.
- (d) All trash and signs shall be cleaned up and removed at the close of each sale day.

- (e) A yard sale may not be held on a premises more than three days in any 12-month period.

Part III That **Section 48-283. Signs permitted in residential districts**, be amended as follows:

- (2) *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.
  - e) ~~Temporary yard sale directional signs, not exceeding two square feet in area, directing the way to premises which are hosting a permitted yard sale in accordance with Chapter 12, Article VI, provided that such signs shall be neatly painted or printed and shall be removed promptly when the yard sale is completed.~~

PART IV. 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 7<sup>th</sup> day of May 2014.

  
Robert C. Edwards, Mayor  
Town of Nags Head

ATTEST:

  
Carolyn F. Morris, Town Clerk

APPROVED AS TO FORM:

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

Date adopted: May 7, 2014

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

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

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

