



**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 48-375, Coffee Vending Stands**, be added as follows:

Sec. 48-375. Coffee Vending Stands

Coffee Vending Stands as permitted by this chapter shall be subject to the following provisions:

(1) The principal sale of items shall be coffee drinks. The sale of any other items shall be incidental and limited to no more than 10 percent of the display area or ten percent of sales.

(2) There shall be only one coffee cart per site. The cart, inclusive of display counters and awnings, shall not exceed 150 square feet in area. The cart 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. Refrigeration units may be utilized within the stand area.

(3) The coffee cart shall be temporary and may be operated year round. The cart shall be located on commercial property and shall comply with the standards listed in this section.

(4) The location of the coffee cart on the site shall comply with the minimum district yard regulations required for principal use structures.

(5) 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 3 off-street parking spaces provided in accordance with Article V of this Chapter shall be required.

(6) The coffee cart shall comply with all Dare County Health Department standards and shall keep on site a copy of the Health Departments inspection and grade.

(7) Coffee carts must have written permission from the property owner and submit this letter to the Town of Nags Head and the vendor shall keep a copy of this letter on the site of the coffee cart.

(6) Coffee carts shall not be left on the property overnight and must be removed daily from the property.

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

PART II. That **Section 48-407(b), Permitted uses, C-2 General commercial district**, be amended to add the following:

(12) Coffee carts as an accessory use to retail shopping centers.

PART III. That **Section 48-861(b), Permitted uses, Village Commercial 1 district**, be amended to add the following:

(5) Coffee carts as an accessory use to shopping malls.

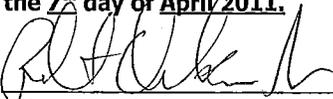
PART IV. That **Section 48-862(b), Permitted uses, Village Commercial 2 district**, be amended to add the following:

(6) Coffee carts as an accessory use to neighborhood shopping cluster.

PART V. That **Section 48-284(2), Signs permitted in commercial districts**, be amended to add the following:

h. Outdoor fresh produce stands, and 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 VI. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed. This ordinance shall be in full force and effect from the 7th day of April 2010 through the 7th day of April 2011.



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: April 7, 2010

Motion to adopt by Commissioner _____

Motion seconded by Commissioner _____

Vote: _____ AYES _____ NAYS

