



# Agenda Item Summary Sheet

Item No: **E-1**  
Meeting Date: **May 6, 2020**

**Item Title:** Public Hearing to consider proposed a text amendment to the Unified Development Ordinance submitted by a property owner to expand the principal sale items from outdoor stands to include reservations and tickets for events/activities

**Item Summary:**

The proposed text amendment (the applicant for the amendment is Kate Creef, Assistant General Manager, on behalf of Outlets Nags Head) is seeking to amend Section 7.76.1 to expand the principal sale items allowed to be sold from outdoor stands to include "reservations or ticket sales," and to amend Section 7.76.2. to increase the number of outdoor stands allowed per site from one (1) to two (2). The original proposal sought to amend the UDO to allow "outdoor kiosks" for the sale of tickets and reservations for on-site and off-site recreational facilities; the applicant had explained that a vendor had approached the Outlets about the idea of having a kiosk located on the property to allow patrons to book charter fishing excursions, a concept which was believed would enhance the customers' shopping experience. Based upon input from the Planning Board, the original proposal was revised to the current version. The attached adoption ordinance and markup are as prepared by the applicant, with Staff's recommendations incorporated and highlighted.

**Planning Board/Staff Recommendation**

Staff recommended to the Planning Board that the amendment be adopted with modifications to the standards to require that the sale and advertisement of items be confined to stands and to allow a maximum of two (2) stands, with no more than one (1) stand selling fresh produce, hot dogs, coffee, ice cream or Italian ice, and/or fudge. Additionally, it is suggested that Sections 7.76.3 and 7.76.4. also be amended to provide for a maximum stand area and any time limitations, respectively, for the sale of tickets and reservations; a limitation of 150 square feet and a time limitation consistent with produce stands are likely sufficient. Finally, Staff recommended that the definition of Outdoor Stand be amended consistent with the amendment of Section 7.76.1.

The Planning Board, at their February 18, 2020 meeting, voted 6-0 to recommend amendments to the UDO as recommended by Staff. In making their recommendation, the Planning Board acknowledged their opinion that the proposed amendments were consistent with the relevant policies contained in the Comprehensive Plan.

Number of Attachments: 3

**Specific Action Requested:**

Conduct Public Hearing / Adoption of text amendment.

Submitted By: Planning and Development

Date: April 27, 2020

**Finance Officer Comment:**

Signature: Amy Miller

Date: April 28, 2020

**Town Attorney Comment:**

I will participate in the discussion at the Board meeting as necessary.

Signature: John Leidy

Date: April 28, 2020

**Town Manager Comment and/or Recommendation:**

I will participate in the discussion at the Board meeting as necessary.

Signature: Cliff Ogburn 

Date: April 28, 2020