

**Kitty Hawk:**

Produce stand. The retail sale of fruits, vegetables, flowers, containerized house or bedding plants, herbs and other agricultural food products, such as jam, jelly, vinegar, eggs, cheese or honey, subject to the following terms and conditions:

- a. The project site must have frontage along U.S. Highway 158 or N.C. Highway 12;
- b. No produce, plants or related products shall be located within the town or state right-of-way or in designated parking spaces or fire lanes;
- c. The activity may not utilize on-site required parking spaces to conduct retail activities or storage;
- d. No sales shall be conducted after 10:00 p.m. and prior to 7:00 a.m.;
- e. No music shall be produced on the site which music is audible beyond the property lines of the lot on which the sales are being conducted;
- f. Any signs must meet the current standards of this chapter and applicable sign permit requirements;
- g. No additional lighting shall be allowed on the site;
- h. Trailers or vehicles used to transport produce and materials to the site shall be concealed from observation from town streets and state rights-of-way;
- i. Prior to issuance of a conditional use permit, the applicant shall present a scaled site plan illustrating the location of all vendor display and storage areas, pedestrian circulation areas and ways, and location of required parking;
- j. Any structures must meet wind construction standards and tie-down standards per state building code;
- k. One paved off-street parking stall shall be required for each 300 square feet of occupied retail space. For purposes of this section, retail space shall be that area occupied for the display, sale or storage of goods;
- l. The required parking shall not be allowed in public or private rights-of-way, fire lanes or travel lanes designated on approved site plan;
- m. Any tent occupying over 200 square feet of the site shall require approval from the fire chief;
- n. Sanitary facilities shall be required in a manner consistent with the International Building Code for a similarly sized retail space and shall be located on the subject property and within 200 feet of the market;
- o. On-site garbage or trash receptacles must be provided and properly maintained at all times.

**Nags Head:**

#### Section 7.76 Outdoor Stands, Accessory to Shopping Centers and Group Development.

Outdoor stands, accessory to shopping centers and group development, are permitted in accordance with Section 6.6, Table of Uses and Activities, subject to other requirements of this UDO and provided that the following conditions are met:

7.76.1. The principle sale of items at an outdoor stand shall be limited to either fresh produce, hot dogs, coffee, ice cream or Italian ice, fudge, and reservations or ticket sales.

7.76.2. Sites less than ten (10) acres in area shall be allowed only one stand. Sites ten (10) acres in area and greater shall be allowed up to two outdoor stands with no more than one (1) stand selling fresh produce, hot dogs, coffee, ice cream or Italian ice, and/or fudge. The stands shall not be required to be a permanent structure and may, with the exception of stands for reservations or ticket sales, 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.

7.76.3. The stand area, inclusive of display counters and awnings, shall not exceed four hundred (400) square feet for produce stands and shall not exceed one hundred fifty (150) square feet for hot dog, coffee, ice cream and Italian ice, fudge, and reservations or ticket sales 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, except that stands for reservations or ticket sales shall be located within shopping centers or group developments, such as within common areas or walkways, and shall not be located within any parking area.

7.76.4. Produce and reservations or ticket sales 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.

q7.76.5. All stands shall comply with applicable Dare County Health Department regulations and permitting requirements.

7.76.6. When located on a site with fifty (50) or more existing parking spaces, no additional parking spaces will be required. When located on a site with less than fifty (50) parking spaces a minimum of three (3) off-street parking spaces in accordance with parking regulations of this UDO shall be provided.

7.76.7. When the regulations contained in the subsection are in conflict with the general regulations of Town Code Section 12, Article III, Peddlers and Itinerant Merchants, the provisions of this UDO shall prevail.