

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.

7.76.5. 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.

Duck:

(C) Operational standards for the temporary outdoor display, storage and sale of produce goods and holiday goods sold at independent stands.

(1) Produce goods shall include fruits and vegetables and other similar goods, subject to approval of the Zoning Administrator.

(2) Holiday goods shall include, but are not limited to, Christmas trees and pumpkins, as determined by the Zoning Administrator.

(3) The outdoor display, storage and/or sale of produce goods and/or holiday goods shall be permitted for a period not to exceed 30 consecutive days 4 times per year.

(4) A temporary occupancy permit for outdoor storage shall be obtained prior to the commencement of any outdoor display, storage and/or sale of goods, except for outdoor storage facilities appurtenant to retail facilities with approved permanent outdoor storage facilities, governed by division (E) below.

(5) Prior to the issuance of any temporary occupancy permit for outdoor storage, a plan shall be submitted to the Zoning Administrator that designates the display, storage and sale area to be used. The plan shall include the property owner's written permission and shall indicate compliance with setbacks and parking requirements. In addition, the plan shall illustrate the location of any proposed signage, structures and/or stands.

(6) The proposed display, storage and/or sale area shall not impede vehicular or pedestrian traffic and parking.

(7) The designated display, storage and/or sale area shall not be located within required landscape areas.

(8) A refundable cleanup fee in accordance with the adopted fee schedule of the town shall be deposited prior to the issuance of a temporary nonresidential use permit for outdoor storage, display or sales. Any structures, stands and accessory materials shall be removed and the property cleaned up within 3 days of the temporary occupancy permit termination date in order for the deposit to be refunded.

(9) If applicable, building, electrical, fire prevention code and hazardous use permits shall be obtained.

(10) No temporary occupancy permit shall be issued until the applicant provides a signed statement indicating his or her knowledge of and intention to comply with business license and peddlers permit requirements.

(11) The requirements for fees and permits are not applicable to displays that are incidental to the main retail business operating at the site.

Currituck County:

V. Produce Stands

The sale of fresh vegetables and produce, as defined in the North Carolina General Statutes, from curbside stands or in a similar fashion shall:

- (1) Be located on the same lot as a principal use;
- (2) Be limited to retail sale of agricultural or horticultural products;
- (3) Be located outside sight triangles or other areas that may result in visual obstructions to drivers;
- (4) Not exceed 1,000 square feet in area; and
- (5) Provide adequate ingress/egress and off-street parking

PRODUCE STAND OR PRODUCE SALES

A building or structure used for the retail sales of fresh fruits, vegetables, flowers, herbs or plants grown on the same parcel of land where the stand is located. Such use may also involve the accessory sales of other unprocessed foodstuffs, home processed food products such as jams, jellies, pickles, sauces or baked goods, and homemade handicrafts. No commercially packaged handicrafts or commercially processed or packaged foodstuffs shall be sold. Such uses also include “pick your own” establishments where customers gather their own produce from the fields for purchase and off-site consumption.