

## **TC-5-12 Produce Stands**

**(PC REVISED)**

Amends the Zoning Code to establish a new use, Produce Stands, to be permitted within all zoning districts (except Conservation Management) subject to the following conditions:

**DEFINITION: Agricultural produce.** Fresh farm or garden-produced crops and goods, the majority of which were grown and harvested in North Carolina, including, but not limited to, fruits, vegetables, eggs, nuts, honey and fresh-cut flowers.

- Sales *shall* be limited to agricultural produce with the area devoted to the produce stand activities not to exceed a maximum of two thousand (2,000) square feet. 25% of the produce stand area may be devoted to the sales of home-made food goods such as baked goods, jams and relishes. For produce stands not removed from the lot on a daily basis, the use shall be limited to a maximum of eight (8) months per calendar year.
- Produce stands locating within any residential zoning district shall be required to locate on the property of a residential institution (church, school, civic club, etc.), or within the common area of a multi-family residential development containing a minimum of one hundred (100) dwelling units or on property fronting a thoroughfare as designated by the City's Comprehensive Plan. In the event that the property fronting a thoroughfare is developed with a single family detached dwelling, no parking associated with the produce stand may be located within the front yard area.
- Tents, stands or other related structures *shall* provide a minimum ten (10) foot setback from all property lines and public rights-of-way.
- One (1) off-street parking space *shall* be provided for every two hundred (200) square feet of area devoted to retail sales, but no less than three (3) parking spaces.
- Signage *shall* be limited to one (1) unlighted announcement *sign* not to exceed twelve (12) square feet in area and be higher than three and one-half (3 ½) feet above the ground elevation.
- All activities shall be discontinued by 8:00pm when located within a *residential zoning district*.



# Certified Recommendation

Raleigh Planning Commission

CR# 11508

## Case Information: TC-5-12 / Produce Stands

### Comprehensive Plan Guidance

<i>Applicable Policy Statements</i>	Not applicable
<i>Action Items</i>	Not applicable

### Summary of Text Change

<i>Summary</i>	Amends the Zoning Code to establish a new land use entitled Produce Stands which shall be permitted within all zoning districts, except Conservation Management. Produce Stands shall be limited to the sale of agricultural products, permitted to operate seasonally, no larger than 2,000 square feet in area and provide minimum setbacks and off-street parking.
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### Public Meetings

<i>Public Hearing</i>	<i>Committee</i>		<i>Planning Commission</i>	
10/16/12	11/20/12, 1/15/13	Text Change Committee; recommended approval, w/ revisions	10/23/12 1/22/13	Referred to Text Change Committee Recommended approval, as revised

### Planning Commission Recommendation

<i>Recommendation</i>	That this Text Change be approved, as revised.
<i>Findings &amp; Reasons</i>	<ol style="list-style-type: none"> <li>1. That this proposal allows additional opportunities for small agri-businesses to retail their produce throughout the year. This could potentially result in a more convenient means of purchasing locally-grown produce.</li> <li>2. The text change incorporates conditions restricting their location within residential zoning districts,</li> </ol>





**ORDINANCE NO. (2013) 148 TC 356  
TC-5-12**

**AN ORDINANCE TO AMEND THE ZONING CODE  
TO ALLOW PRODUCE STANDS WITHIN ALL  
ZONING DISTRICTS AS A CONDITIONAL USE**

**WHEREAS**, the City desires additional opportunities for small agri-businesses to retail their produce in order to result in a more convenient means of purchasing locally-grown produce by its Citizens; and

**WHEREAS**, the intent of these regulations is to allow produce stands of a temporary nature in the City's Office and Residential zoning districts; and

**WHEREAS**, Produce Stands will continue to be permitted as a General Retail Use within the City's Commercial and Industrial zoning districts.

**THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:**

**Section 1.** Amend Section 10-2002(b) by adding the following new definition:

***"Agricultural produce.*** Fresh farm or garden-produced crops and goods, the majority of which were grown and harvested in North Carolina, including, but not limited to, fruits, vegetables, eggs, nuts, honey and fresh-cut flowers."

**Section 2.** Amend Section 10-2071, **SCHEDULE OF PERMITTED LAND USES IN ZONING DISTRICTS**, within the **COMMERCIAL** Land Use category, by deleting the words ", fruit and vegetable stand" from the end of the land use listing entitled "Plant nursery."

**Section 3.** Amend Section 10-2071, **SCHEDULE OF PERMITTED LAND USES IN ZONING DISTRICTS**, within the **COMMERCIAL** Land Use category, by adding in alphabetical order the following new land use listing: "Produce stand."

Furthermore, add a Conditional Use symbol (open circle) within all of the Zoning District columns except Conservation Management (CM).

**Section 4.** Amend Section 10-2072, **Regulations for Conditional Use**, within the introductory alphabetical listing of all conditional uses, by deleting the words ", fruit and vegetable stand" from the end of the land use listing entitled "Plant nursery."

**Section 5.** Amend Section 10-2072, **Regulations for Conditional Use**, within the introductory alphabetical listing of all conditional uses, by adding in alphabetical order the following new conditional use listing: “- Produce stand.”

**Section 6.** Amend Section 10-2072(b), **Uses Enumerated**, by deleting the words “, **fruit and vegetable stand**” from the end of the “**Plant nursery**” listing.

Furthermore, amend the introductory paragraph of the “**Plant nursery**” listing, by deleting the words “, fruit and vegetable stand” from the first sentence.

**Section 7.** Amend Section 10-2072(b), **Uses Enumerated**, by adding in alphabetical order the following new conditional use listing:

**“Produce stand.**

Produce stand, including fruit and vegetable stands, *shall* meet all of the following:

- (1) Sales *shall* be limited to *agricultural produce* not exceeding a maximum of two thousand (2,000) square feet per *lot* (not including areas devoted to driveways and off-street parking). In addition to the sales of *agricultural produce*, twenty-five (25) percent of the produce stand area may be devoted to the sales of home-made food goods such as baked goods, jams and relishes. For produce stands not removed from the *lot* on a daily basis, the use *shall* be limited to a maximum of eight (8) months per calendar year. All tents, stands, signs and structures associated with the produce stand *shall* be removed from the property within five (5) calendar days following the termination of the approved time period.
- (2) Produce stands locating within any *residential zoning district* shall be required to locate on the property of a *residential institution*, or within the common area of a multi-family residential development containing a minimum of one hundred (100) *dwelling units* or on property fronting a thoroughfare as designated by the City’s Comprehensive Plan. In the event that the property fronting a thoroughfare is developed with a *single family detached dwelling*, no parking associated with the produce stand *may* be located within the *front yard area*.
- (3) Tents, stands, signs or other related structures *shall* provide a minimum ten (10) foot setback from all property lines and public rights-of-way *shall* not be located within sight distance triangles as delineated by §10-2086.
- (4) One (1) off-street parking space *shall* be provided for every two hundred (200) square feet of area devoted to the produce stand activities, but no less than three (3) parking spaces. Areas devoted to off-street parking

*shall* be oriented to provide for safe pedestrian and vehicular circulation and arranged so that vehicular ingress and egress to the parking areas is by forward motion of the vehicle. Produce stands *shall* be exempt from the parking surfaces requirements within §10-2081(b)(1)a. and the required landscaping regulations within §10-2082.

- (5) Signage for all produce stand activities on the *premise shall* be limited to one (1) unlighted announcement *sign* not to exceed twelve (12) square feet in area and be higher than three and one-half (3-1/2) feet above the ground elevation.
- (6) All activities shall be discontinued by 8:00 p.m. when located within a *residential zoning district*.
- (7) No Code-required landscape planting areas *shall* be utilized in association with the produce stand activities and no unauthorized encroachments on public rights-of-way *shall* be permitted.
- (8) That a plot plan drawn in accordance with §10-2132.1(b) and showing the location of all tents, produce stands, driveways, off-street parking, traffic circulation, *signs*, or other related structures be submitted to the City for their approval, and that a zoning permit be issued prior to any event taking place.

**Section 8.** Amend Section 10-2081, **SCHEDULE OF OFF-STREET PARKING STANDARDS**, within the **COMMERCIAL** Land Use category, by deleting the words “, fruit and vegetable stand” from the end of the land use listing entitled “Plant nursery”.

**Section 9.** Amend Section 10-2088, **NUMBER OF PRINCIPAL BUILDINGS OR USES ON A LOT**, by adding in alphabetical order the following new use listing:

“- Produce stand.”.

**Section 10.** Amend Section 10-2083.2, **SCHEDULE OF PERMITTED SIGNS IN ZONING DISTRICTS**, within the ‘Announcement’ sign listings, by deleting the words “, fruit and vegetable stand” from the end of the “Plant nursery” listing.

**Section 11.** Amend Section 10-2083.2, **SCHEDULE OF PERMITTED SIGNS IN ZONING DISTRICTS**, within the "Announcement" sign listings, by adding in alphabetical order the following new listing: “Produce stand.”

Furthermore, add a Conditional Use symbol (open circle) within all of the Zoning District columns except Conservation Management (CM).

**Section 12.** Amend Section 10-2083.2, **SPECIFIC SIGN REGULATIONS**, within the **Ground Low Profile Signs, Ground Medium Profile Signs** and **Ground High Profile Signs**, subsections (7), to include the following words at the end of the sentence:

“or as an announcement sign approved as a conditional use for a produce stand in accordance with §10-2072(b).”

**Section 13.** Amend Section 10-2144, **SPECIAL USE PERMITS APPROVED BY THE BOARD OF ADJUSTMENT**, within the introductory alphabetical listing of all special use permits, by deleting the words “, and fruit and vegetable stand” from the end of the “Plant nursery” listing.

**Section 14.** Amend Section 10-2144(b), **Special Use Permits Enumerated**, by deleting the words “, and fruit and vegetable stand” from the end of the “Plant nursery” listing.

Furthermore, amend the introductory paragraph of the “Plant nursery” listing, by deleting the words “, fruit and vegetable stands,” from the first sentence.

**Section 15.** Amend Section 10-6032(j), **Zoning permit**, to add the words “Christmas tree sales, produce stands,” immediately following the words “swimming pool.”

**Section 16.** All laws and clauses of laws in conflict herewith are hereby repealed to the extent of said conflict.

**Section 17.** If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

**Section 18.** This ordinance has been adopted following a duly advertised joint public hearing of the Raleigh City Council and the City Planning Commission following a recommendation of the Planning Commission.

**Section 19.** This ordinance has been provided to the North Carolina Capital Commission as required by law.

**Section 20.** This ordinance shall be enforced by law as provided in N.C.G.S. 160A-175 or as provided in the Raleigh City Code. All criminal sanctions shall be the maximum allowed by law notwithstanding the fifty dollar limit in G.S. 14-4(a) or similar limitations.

**Section 21.** This ordinance shall become effective five (5) days following its adoption.

**ADOPTED:** February 5, 2013

**EFFECTIVE:** February 10, 2013

**DISTRIBUTION:** Planning – Silver, Bowers, Hallam, Crane, Strickland  
Zoning – Fulcher  
Department Heads  
City Attorney – Hargrove  
Transcription Svcs – Taylor  
Erin Boltz – Lyon Farms  
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