

ORDINANCE NO. (2021) 202 TC 445
TC-14-20, Community Gardens with On-Site Sales

AN ORDINANCE TO MODIFY THE COMMUNITY GARDEN REGULATIONS AND STANDARDS TO ALLOW ON-SITE SALES.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH THAT:

Section 1. Section 6.6.1.B.2. of the Part 10 Raleigh Unified Development Ordinance, Community Garden, Use Standards, is hereby amended by adding the language shown in underline and deleting the language shown in strikethrough.

2. Use Standards

- a. A community garden shall be primarily used for growing and harvesting food crops and ornamental crops, for consumption or donation or for sale on or off-site.
- b. On-site sales ~~are not~~ shall be permitted in the residential districts subject to the following conditions:-
 - i. Sales shall be limited to agricultural produce. In addition, 25% of the on-site sales area may be devoted to the sales of homemade food goods such as baked goods, jams and relishes.
 - ii. The total sales area shall be limited to no more than 600 square feet for lots less than 10,000 square feet in size, 900 square feet for lots 10,000 square feet to 40,000 square feet in size and 1,200 square feet for lots greater than 40,000 square feet in lot size.
 - iii. No off-street parking shall be required for areas devoted to on site-sales totaling 600 square feet or less. One off-street parking space shall be provided for 601 square feet to 900 square feet of area devoted to on-site sales activities. Two off-street parking spaces shall be provided for 901 square feet to 1,200 square feet of area devoted to on-site sales activities. 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. On-site sales shall be exempt from the parking surfaces requirements and the required landscaping regulations.
 - iv. Tents, stands, signs, and other structures associated with the on-site use shall maintain a minimum setback of 10 feet from all property lines.
 - v. Notwithstanding the prohibitions, limitations and restrictions of Art. 7.3 Signs, signage for the on-site sales shall be limited to one additional A-frame sign of no more than 6 square feet in area and no higher than 5 feet and may be displayed during business hours but must be removed daily when the business is closed. Signage shall not be illuminated.
 - vi. All activities shall be discontinued by 8:00 PM.
 - vii. Waste collection facilities shall be provided on the property and may be portable in nature. Such facilities shall be constructed and maintained to minimize visual impact and not create odor, fumes, loose debris and animal, rodent or insect infestation. Screening shall consist of landscaping or a wall or fence compatible with the principal building, if applicable, in terms of texture, quality, material and color.
 - viii. A zoning permit showing consistency with these conditions shall be required prior to establishments of the on-site sales use and any changes thereto.
- c. On-site sales may be permitted in the mixed use and special districts provided the standards

of Section 6.8.2.D. for Produce Stands in non-residential districts are met. A zoning permit showing consistency with these conditions shall be required prior to establishment of the on-site sales use and any changes thereto.

- ed. Detached accessory structures such as storage or utility buildings, gazebos, trellises, or accessory greenhouse structures are permitted, subject to compliance with the requirements of the zoning district.
- ee. If security fencing is installed, such fencing shall be of an open design.
- ef. If lighting is installed, only motion-detecting fixtures shall be permitted. All-night lighting is prohibited.
- eg. Community gardens shall be managed and maintained in compliance with all applicable standards of this UDO and the City Code, including but not limited to those pertaining to: nuisance abatement, stormwater, site accessibility, signage, soil erosion and sedimentation control and any required tree conservation and landscaping.
- eh. Raising of animals is not permitted in a Residential District. In all other permitted districts, the raising of animals is subject to the following conditions:

 - i. The community garden must be in active use for the growing and harvesting of crops.
 - ii. Hoofed animals are prohibited.
 - iii. Chickens are permitted at rate of 1 chicken per 1,000 square feet of lot area not to exceed 10 chickens on any single lot. No roosters are allowed.
 - iv. A maximum of 2 bee hives are permitted.
 - v. Any coop, hutch, hive, or other structure for housing animals shall be located at least 25 feet from any property line.

Section 2. All laws and clauses of laws in conflict herewith are repealed to the extent of such conflict.

Section 3. 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 this end the provisions of this ordinance are declared to be severable.

Section 4. This text change has been reviewed by the Raleigh City Planning Commission.

Section 5. This ordinance has been adopted following a duly advertised public hearing of the Raleigh City Council.

Section 6. This ordinance shall be enforced 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 N.C.G.S. §14-4(a) or similar limitations.

Section 7. This ordinance is effective 30 days after adoption.

ADOPTED: March 2, 2021

EFFECTIVE: April 1, 2021

DISTRIBUTION: Planning & Development – Young, Bowers, Crane, Waddell, Ray, Rametta, Hosey, Bailey-Taylor, Hodge
City Attorney – Tatum, Hofmann, York, Hargrove-Bailey
Department Heads
Transcription Svcs – Taylor