

ORDINANCE NO. 2020 – XXX
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 items produced on-site.
 - ii. The total sales area shall be limited to no more than 2,000 square feet per lot.
 - iii. One off-street parking space shall be provided for every 200 square feet of area devoted to on-site sales activities, but no less than 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. 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. Signage shall be limited to one sign of no more than 12 square feet in area and no higher than 3½ feet above the ground elevation. Signage shall not be illuminated.
 - vi. All activities shall be discontinued by 8:00 PM when located in a Residential District.
 - vii. Waste collection facilities shall be provided on the property. Such facilities shall be constructed and maintained to minimize visual impact and not create odor, fumes, loose debris and animal, rodent or insect infestation.
 - viii. A zoning permit showing consistency with these conditions shall be required prior to establishments of the on-site sales use.
- c. On-site sales may be permitted in the mixed use and special districts with the approval of a special use permit, following the procedures set forth in Sec. 10.2.9. Sales shall be restricted to horticultural and agricultural products produced on the premises.
- ~~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.
- ~~ed.~~ 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.
- ~~ef.~~ 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.

gh. 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 5 days after adoption.

ADOPTED: XXXX

EFFECTIVE: XXXX

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