

OUTDOOR SALES PERMIT – AGRICULTURAL

Responsible Party: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone #: _____ Email: _____

Property Owner: _____ Phone : _____

Tax ID: _____

Description of Sales: _____

Date of Sales: From _____ To _____

I have received a copy, read and completely understand § 13-1400 et. seq. of the City of Chesapeake Zoning Ordinance which details the requirements for this permit. I understand that by obtaining a permit, I agree to abide by all City of Chesapeake Ordinances governing outdoor sales/temporary outdoor sales of items.

Applicants Signature: _____ Date: _____

REQUIRED DEPARTMENT APPROVALS

Growers Certificate: _____

Agriculture Extension Dept: _____ Date: _____

Commissioner of Revenue Approval: _____ Date: _____
1st Floor

D & P Engineers Approval: _____ Date: _____
3rd Floor

Zoning Approval: _____ Date: _____

If the applicant is not the property owner a notarized affidavit from the property owner is required giving the applicant permission to use the property for Outdoor Sales.

§ 13-1400. - Sales from outdoor sales facilities.

§ 13-1402. - Outdoor sales as part of an agricultural, horticultural, or aquacultural operation.

- A. *Purpose.* The purpose of this ordinance is to promote and protect agricultural, horticultural and aquacultural activities in Chesapeake by allowing agricultural outdoor sales facilities, including those operations where customers pick the product from the growing field, to operate with a minimum of regulatory intrusion while, at the same time, ensuring public safety.
- B. *Site plan and permit required.*
1. A site plan showing conformance with the standards set out below shall be submitted to the department of public works for review and approval. No agricultural outdoor sales facility shall be established or used to conduct sales activities until the site plan has been approved.
 2. In addition, no agricultural outdoor sales facility shall be established or used to conduct sales activities until a permit is issued for the operation by the zoning administrator. The permit shall be issued at no charge to the applicant and shall be valid until such time, if any, that the outdoor sales facility is abandoned for more than two consecutive years. However, a permit may be revoked by the zoning administrator for violation of this ordinance.
- C. *Permitted sales.* The following items may be sold or offered for sale at an agricultural outdoor sales facility:
1. Agricultural and horticultural products native to the area. If necessary, the Chesapeake Agricultural Extension Agent shall determine whether an agricultural or horticultural product is native to the area.
 2. Agricultural and horticultural products picked from a field by the customer.
 3. Aquacultural products, such as fish, shrimp, prawns, clams, and similar aquatic animals.
 4. Products accessory and incidental to the agricultural, horticultural and aquacultural products sold or offered for sale on the site.
- D. *Where permitted* An agricultural outdoor sales facility shall be permitted on property other than commercially zoned property if the following requirements are met:
1. The property on which the agricultural outdoor sales facility is located is generally used for agricultural, horticultural or aquacultural operations and is a minimum of three (3) acres in size; provided that, however, no agricultural outdoor sales facility shall be permitted on any residential lot which was created as a major subdivision or which is otherwise a part of a subdivision consisting of more than five residential lots.

2. A growers certificate furnished by the Chesapeake Agricultural Extension Agent and any required growers license issued by the City of Chesapeake are displayed on the property on which the agricultural outdoor sales facility is located. The growers certificate shall be valid for one year.
- E. *Site standards.* All agricultural outdoor sales facilities shall meet the requirements set out below.
1. Stands, tables and other structures which are part of the agricultural outdoor sales facility shall be set back a minimum of fifty (50) feet from the nearest edge of the sidewalk pavement or street pavement, if there is no sidewalk, of any public right-of-way which abuts or is in close proximity to the property on which the agricultural outdoor sales facility is located and shall be set back a minimum of one hundred (100) feet from any adjoining lot which is zoned or used for residential purposes. No other setback requirements shall be imposed.
 2. Stands, tables and other structures used in support of the agricultural outdoor sales facilities may be placed on the same parcel as other structures and buildings associated with the agricultural, horticultural or aquacultural activity and may also be placed in the front yard of a lot, provided that the setbacks provided for in subsection 13-1402E.1. above are met.
 3. The total area occupied by all covered sales facilities shall not exceed five hundred (500) square feet for every acre of land devoted to the agricultural, horticultural or aquacultural operation, provided that the total area for all covered sales facilities shall not exceed 2,500 square feet. There shall be no limit on the amount of uncovered sales areas on the property.
 4. The agricultural outside sales facility shall have off-street parking arrangements meeting the following standards:
 - a. An entrance from the street, approved by the department of public works as meeting public safety needs, shall be provided.
 - b. An area of sufficient size for five (5) customer parking spaces shall be provided. In addition, an area 1,200 square feet in size shall be reserved for parking as needed.
 - c. The parking area need not be paved.
 5. Portable toilets or similar sanitary facilities may be located on the site, provided that the facilities are set back at least one hundred (100) feet from all property lines. Portable toilets and similar sanitary facilities shall be screened from view from any public arterial street. The term "arterial street" shall mean a right-of-way at least 80 feet in width.

6. Materials related to the display and sale of agricultural, horticultural and aquacultural products, including stands, tables, structures and signs, section 14-704 notwithstanding, may remain on the site from season to season. However, if an outdoor sales facility is abandoned without any use at all for two consecutive years, all structures and signs shall then be removed unless a new site plan is approved by the department of public works and a new permit is obtained from the zoning administrator.
- F. *Special signs permitted.* Notwithstanding anything to the contrary in section 14-700 of this ordinance, the following signs may be erected in support of an agricultural outdoor facility and shall be in addition to any freestanding signs, crop identification signs, special event signs or miscellaneous signs permitted under the sign ordinance:
1. One or more "festive" signs not exceeding 125 square feet in total combined area provided that (i) the signs are placed on the same site as the agricultural outdoor sales facility, (ii) no one sign shall exceed twelve (12) square feet in area, (iii) the signs are not lighted, and (iv) the signs are erected at least fifty (50) feet from the public right-of-way.
 2. Four off-site signs providing direction to the agricultural outdoor sales facility, placed on private property with the permission of the owner. Two additional off-site signs, for a total of six off-site signs, may be erected to provide direction if the location of the agricultural outdoor sales facility is more than two miles from an arterial public highway. Each off-site sign permitted under this subsection shall be a maximum of four square feet in area and four feet in height. A holder of a country grower's license may apply for a permit from the zoning administrator to place the signs permitted under this subsection in the unimproved portion of public right-of-way during the seasonal sale periods identified by the applicant for one (1) calendar year from the date of issuance of the permit. Signs shall be placed only during the seasonal sale periods, shall display the address of the facility and shall be setback ten (10) feet from the edge of pavement of any public street, or ten (10) feet from the back of curbing where curbing has been installed. Signs placed in violation of the permit and this ordinance may be removed in accordance with section 66-121.1 of the City Code.

These festive and directional signs may be erected on agricultural outdoor facilities without permits, fees, or notice to the zoning administrator.