

OUTDOOR SALES PERMIT – NONAGRICULTURAL

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

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.

§ 13-1401. - Definitions; nonagricultural outdoor sales facilities.

For the purposes of this zoning ordinance, an "outdoor sales facility" means any table, stand, vehicle or other structure from which any item is sold to, or exchanged with, consumers; provided, that an "outdoor sales facility" shall not include structures that are lawful accessories to a permanent building on the same site. Outside sales that are accessory to an established principal retail use are regulated by separate provisions in article 7 of this ordinance. The term "nonagricultural outdoor sales facility" shall mean any outdoor sales facility that is less than 250 square feet in size which is not part of a bona fide agricultural, horticultural or aquacultural operation. The term "agricultural outdoor sales facility" shall mean an outdoor sales facility which is part of a bona fide agricultural, horticultural or aquacultural operation, including facilities at which customers pick products from the field. All nonagricultural outdoor sales facilities shall be subject to the requirements set out in this section. Agricultural outdoor sales facilities shall be subject to the requirements set out in section 13-1402 below.

- A. *Proper zoning district and permits.* The proposed site for a nonagricultural outdoor sales facility must be located in a zoning district in which such commercial use is permitted, or, if a conditional use permit is required for such activity, the permit must be obtained before any such activity occurs on the site.
- B. *Site treated as standard commercial site unless temporary in nature; site plan approval and permit required.*
 1. A site on which a nonagricultural outdoor sales facility is located shall be treated as a standard commercial site, subject to all of the applicable requirements of this ordinance, unless outdoor sales are conducted on the site for a period of less than ninety (90) days in any calendar year, in which case they shall be deemed to be temporary in nature.
 2. When an applicant specifies that the site is to be used for a nonagricultural outdoor sales facility for a period of less than ninety (90) days during any calendar year, a site plan shall be submitted to the department of public works which complies with the requirements set out below. No temporary nonagricultural outdoor sales activity may be conducted or nonagricultural outdoor sales facility placed on the site until such site plan has been approved and a permit has been issued by the zoning administrator.

3. Regardless of whether such nonagricultural outdoor sales facility is temporary or permanent in nature, not more than one such facility may be located on any lot; provided, however, that flea markets may be authorized on property in the B-2 general business district through a conditional use permit issued in accordance with article 17 of this ordinance.
- C. *Requirements applicable to all site plans for temporary nonagricultural outdoor sales facilities.* The site plan for and operation of temporary nonagricultural outdoor sales facilities shall meet the following requirements:
1. The nonagricultural outdoor sales facility is 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 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. The site on which the nonagricultural outdoor sales facility is located has off-street parking arrangements meeting the following standards:
 - a. An entrance from the street must be available that is not less than thirty (30) feet in width or such larger size as the department of public works may determine is required as a result of the size or volume of the operation.
 - b. An area of sufficient size for five (5) customer parking spaces and additional parking for employees, plus an adequate area for safe and efficient traffic circulation, must be delineated on the site plan.
 - c. The parking area need not be paved, but must be vegetated, graveled or subject to other appropriate dust control measures, as required by the department of public works.
 3. No portable toilets or similar sanitary facilities shall be located on the site. Any sanitary facility placed on the site must be located within a permanent structure meeting the requirements of the Virginia Uniform Statewide Building Code.
 4. When sales activities have ceased and the products being sold are no longer displayed on the site, all materials related to the display and sale of such items shall be removed immediately from the site.
 5. Not more than one (1) nonagricultural outdoor sales facility shall be located on any lot; provided, however, that flea markets may be authorized on

property in the B-2 general business district through a conditional use permit granted in accordance with article 17 of this ordinance.

- D. *Signs.* Notwithstanding anything to the contrary in section 14-700 of this ordinance, signs for nonagricultural outdoor sales facilities shall be subject to the following:
1. Nonagricultural outdoor sales facilities shall not be permitted to display temporary signs under section 14-704H of this ordinance.
 2. Nonagricultural outdoor sales facilities on unimproved property shall be permitted the following signage:
 - a. One freestanding ground mounted sign as defined in section 14-703 of this ordinance, provided that the sign is set back fifteen (15) feet from any adjacent right-of-way line and does not exceed twelve (12) feet in height.
 - b. One sign mounted to a structure or a motor vehicle used in the operation of a nonagricultural outdoor sales facility, provided that the sign is mounted at a height which is less than, or equal to, the height of the structure or motor vehicle.
 3. Nonagricultural sales facilities located on improved property shall be permitted two signs mounted to a structure or motor vehicle used in the operation of a nonagricultural outdoor sales facility, provided that the sign is mounted at a height which is less than, or equal to, the height of the structure or motor vehicle.
 4. No sign permitted under this subsection shall exceed twenty (20) square feet in area.