

# Roadside Stand Ordinance

## Adopted July 25, 2001

### Sec. 138-1338. Roadside stands and markets, and Christmas tree sales.

It is the intent of the city not to allow the establishment of permanent commercial operations in noncommercial districts. However, seasonal roadside stands and markets for the sale of produce and flowers when sold with produce and Christmas tree sales, including wreaths, boughs, grave blankets and garlands, may be permitted on a temporary basis by obtaining a permit from the building department. The permit shall be subject to the following conditions:

(1) Roadside stands and markets and Christmas tree sales may be permitted in any district, subject to the following exclusions:

a. Christmas tree sales shall not be permitted on property that is part of a recorded residential subdivision or one-family residential detached condominium development.

b. Roadside stands and markets shall be permitted on property that is part of a recorded residential subdivision or one-family residential detached condominium development only if all of the produce to be sold shall be or was grown on the immediate property and there is an occupied residential dwelling on the property.

(2) The following restrictions shall govern the issuance of permits:

a. If a portable roadside stand or market is to be located on property that is part of a recorded residential subdivision or one-family residential detached condominium development, the permit shall be restricted to the owner of that property, and the roadside stand or market shall be operated and staffed only by the owner and/or resident of that property. The permit may be issued for an initial two-month period between May 1 and October 31 within a calendar year, and it may be renewed once for one additional one-month period between May 1 and October 31 of the same calendar year. There shall be no fee for this renewal. A roadside stand or market shall not be operated on property that is part of a recorded residential subdivision or one-family residential detached condominium development for more than three months between May 1 and October 31 of a calendar year.

b. Except as otherwise provided in subsection (1)b of this section, a permit for a portable roadside stand or market or Christmas tree sales shall be restricted to the owner or the lessee of the property where the roadside stand or market or Christmas tree sales is to be located. A permit may be issued for a roadside stand or market only for the period from May 1 to October 31 of a calendar year. A permit for Christmas tree sales may be issued only for the period from November 15 to December 31 of a calendar year. Storage, display and sale of Christmas trees shall be permitted only during this period.

(3) Any structure used for the sale of produce or Christmas tree sales shall be portable and shall be removed from the roadside upon expiration

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of the permit for a roadside stand or market or Christmas tree sales. If the property is undeveloped, any portable structure shall be removed from the property upon expiration of the permit.

(4) The sale of produce in a portable roadside stand or market or Christmas tree sales shall not take place in the public right-of-way of any thoroughfare within the city, and adequate off-street parking and ingress and egress shall be provided and maintained in a usable and dustfree condition for the roadside stand or market or Christmas tree sales. Christmas tree sales shall not be located within 100 feet of a residential dwelling, other than a dwelling on the property on which the trees are sold. Roadside stands or markets selling any produce that was not grown on the immediate property shall not be located within 200 feet of a residential dwelling, other than a dwelling on the property on which the roadside stand or market is located.

(5) Hours of operation shall be limited to 7:00 a.m. through 9:00 p.m.

(6) Any lighting shall be directed and controlled so as not to become a nuisance to adjacent property owners or motorists. A permit shall be obtained from the building department before any lighting is installed.

(7) A permit for a portable roadside stand or market or Christmas tree sales shall not be issued unless adequate sanitary facilities are available for persons tending the roadside stand or market or Christmas tree sales.

(8) Notwithstanding section 138-1069, one sign located on the premises where the roadside stand or market or Christmas tree sales is located shall be permitted. The sign shall be located on private property outside of the public right-of-way and shall be limited to six feet in height and 12 square feet in area. The sign shall be removed from the premises when the activity ceases or when the permit expires.

(9) An adequate trash receptacle for the disposal of refuse generated on site shall be required for any roadside stand or market, and refuse shall not be allowed to accumulate on site for more than 24-hour periods.

(10) Roadside stands and markets and Christmas tree sales shall not be subject to the requirement for public hearing pursuant to section 138-1306 pertaining to special and conditional land uses.

(11) A bond in an amount set by resolution of the city council shall be filed and maintained in order to obtain a permit to ensure compliance with the city ordinances and that the property is cleaned up at the expiration of the permit period. Any inspection fees or other enforcement costs may be deducted from the bond, in which case the permit holder shall forthwith pay an amount equal to any deduction in order to maintain the bond at the proper level.

(Ord. No. 200, § 1807(21.07(b)), 10-29-1986; Ord. No. 200-34; Ord. No. 200-45; Ord. No. 200-48, § 1; Ord. No. 200-116, § 1, 4-19-2000)