



# SUMTER CITY-COUNTY PLANNING COMMISSION

October 26, 2011

**OA-11-12, Produce Sales (County)**

Request to amend *Article 3, Sections 3.g.3, 3.h.3, 3.i.3, & 3.n.3; Exhibit 5; Article 5, Section 5.b.1 and Article 10: Definitions* of the County Zoning and Development Standards Ordinance to make produce sales a conditional use in the Neighborhood Commercial (NC), Limited Commercial (LC), General Commercial (GC), and Agricultural Conservation (AC) Zoning Districts.

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## I. *THE REQUEST*

*Applicant:* Janie and Larry Harris

*Request:* Request to amend *Article 3, Sections 3.g.3, 3.h.3, 3.i.3, & 3.n.3; Exhibit 5; Article 5, Section 5.b.1* and *Article 10: Definitions* of the County Zoning and Development Standards Ordinance to make produce sales a conditional use in the Neighborhood Commercial (NC), Limited Commercial (LC), General Commercial (GC), and Agricultural Conservation (AC) Zoning Districts.

## II. *BACKGROUND*

The applicants have requested an ordinance amendment similar to that recently passed for the City of Sumter to allow produce sales in the county, so that they may continue to legally sell produce at the intersection of Hwy. 441 and Old Camden Hwy. They have been selling their home-grown produce at this location, with the permission of the property owner since 2006.

In August 2009, changes to the City of Sumter Zoning Ordinance were adopted to allow Mobile Vending in commercial districts (OA-09-02, Ordinance No. 2354). In July 2011, the Mobile Vending Ordinance was modified to allow produce sales from vehicles in the General Commercial zoning district (OA-11-01, Ordinance No. 2407)—produce was specifically defined as *fresh fruits, vegetables and other plant materials or plant by-products such as herbs, spices, edible mushrooms and honey*. **Neither of these amendments were presented or adopted by Sumter County at that time.**

The County Zoning Ordinance does not permit mobile vending at this time. Produce may be sold in Sumter County from designated Farmer's Market areas as a temporary use in accordance with Article 5, Section 5.c.7. of the Ordinance, however there is no accommodation for produce sales in any other locations in the County outside of established retail sites. In reviewing Ordinance amendment options for this request, Planning Staff determined that the most appropriate option for addressing the applicants' request would be to designate produce sales as a Conditional Use in the county, in the Neighborhood Commercial (NC), Limited Commercial

(LC), General Commercial (GC) and Agricultural Conservation (AC) zoning districts in conjunction with specific review criteria for the conditional use.

### **III. ZONING ORDINANCE SUBCOMMITTEE – OCTOBER 12, 2011**

The Subcommittee reviewed the staff recommendation and concurred with Planning Staff. Additionally Staff was directed to draft specific conditions to be met as part of the Conditional Use review in addition to the general review criteria established in Section 5.b.1. of the Ordinance. Those additions would include/clarify the following:

- Each individual seller must obtain their own Conditional Use Approval for each location.
- Several sellers may combine their application for the Conditional Use for a single location but must all have their names listed on the application in order to sell at that location.
- The Conditional use will be non-transferable and would address both the specific location applied for, and the specific person(s) or entities named on the application.

Based on direction from the Zoning Ordinance Subcommittee, the following amendments are proposed.

#### **PROPOSED ORDINANCE AMENDMENT**

Amend Article 3, Section 3.g.3. to reflect the following (note that changes are in **Boldface** type):

*3.g.3. **Conditional Uses:** Review and approval by the Staff of the Sumter City-County Planning Commission in accordance with 5.a.3. shall be a prerequisite to issuance of a building permit for any Conditional Use identified below:*

##### **1. Mobile Produce Sales (see Section 5.b.1.k)**

Amend Article 3, Section 3.h.3. to reflect the following (note that changes are in **Boldface** type):

*3.h.3. **Conditional Uses:** Review and approval by the Staff of the Sumter City-County Planning Commission in accordance with 5.a.3. shall be a prerequisite to issuance of a building permit for any Conditional Use identified below:*

##### **o. Mobile Produce Sales (see Section 5.b.1.k)**

Amend Article 3, Section 3.i.3. to reflect the following (note that changes are in **Boldface** type):

*3.i.3. **Conditional Uses:** Review and approval by the Staff of the Sumter City-County Planning Commission in accordance with 5.a.3. shall be a prerequisite to issuance of a building permit for any Conditional Use identified below:*

##### **w. Mobile Produce Sales (see Section 5.b.1.k)**

Amend Article 3, Section 3.n.3. to reflect the following (note that changes are in **Boldface** type):

*3.n.3. Conditional Uses: Review and approval by the Staff of the Sumter City-County Planning Commission in accordance with 5.a.3. shall be a prerequisite to issuance of a building permit for any Conditional Use identified below:*

**m. Mobile Produce Sales (see Section 5.b.1.k)**

Amend Exhibit 5 to indicate Produce Sales, as a Conditional Use in the NC, LC, GC, & AC Zoning Districts.

Amend Article 5, Section 5.b.1. to reflect the following (note that changes are in **Boldface** type):

**k. Produce Sales: The following conditions apply to all Produce Sales for conditional use approval:**

- 1. Written permission from the Property Owners;**
- 2. Each individual seller must obtain their own Conditional Use for each location;**
- 3. The Conditional Use approval is non-transferable, location specific and only applies to the individual or entity named on the application;**
- 4. Sales site must have sufficient area to contain a minimum of three (3) parked cars in addition to the sales area/vehicle;**
- 5. Safe and viable access to the site;**
- 6. No portion of the Public Right-of- way may be used for customer parking or to set up for sales**

Amend Article 10: Definitions to add the following definition:

**Produce: fresh fruits, vegetables and other plant materials or plant by-products such as herbs, spices, edible mushrooms and honey**

**IV. PLANNING COMMISSION – OCTOBER 26, 2011**

The Sumter City-County Planning Commission at its meeting on Wednesday, October 26, 2011, voted to recommend approval for this request.

**V. COUNTY COUNCIL – NOVEMBER 8, 2011 – FIRST READING**