

**FORSYTH COUNTY  
BOARD OF COMMISSIONERS**

**MEETING DATE:** \_\_\_\_\_ **AGENDA ITEM NUMBER:** \_\_\_\_\_

**SUBJECT:-**

- A. Public Hearing on UDO Text Amendment proposed by City-County Planning Board staff to amend Chapter B of the *Unified Development Ordinances* to create standards for the sale of agricultural products grown off-premises (UDO-207).
- B. Approval of Ordinance

**COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-**

**SUMMARY OF INFORMATION:-**

See attached staff report.

After consideration, the Planning Board recommended approval of the rezoning text amendment.

**ATTACHMENTS:-**     YES             NO

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

## STAFF REPORT

DOCKET # UDO-207  
STAFF: [Kirk Ericson](#)

### **REQUEST**

This text amendment is proposed by Planning staff to amend Chapter B of the *Unified Development Ordinances* to create standards for the sale of agricultural products grown off-premises.

### **BACKGROUND**

The UDO currently provides for the sale of agricultural products as a temporary use on the same zoning lot which they are grown. However, the UDO does not have specific provisions for the sale of agricultural products grown on one site and sold on another. However, the sale of produce in parking lots, along the roadside, and other places has occurred in both the City and County. Currently, the Inspections Division has been permitting the sale of on-premises agricultural products through the Use of Open Land provision of the UDO, which has a maximum duration of 45 days. This 45 day time limit prohibits agricultural products from being sold throughout the entire growing season. The proposed text amendment would create a specific provision for the sale of agricultural products grown off-premises and would also provide a 180 day timeframe for both on and off-premises uses.

### **ANALYSIS**

The proposed ordinance allows for agricultural products grown on property zoned YR, AG, and RS-40 to be sold on any property in the YR, AG, RS-40, and most commercial zoning districts. In order to utilize the proposed provision, a petitioner would be required to file a site diagram with the Inspections Division showing the location where the sale of agricultural products will take place. This diagram must also show relevant information such as the location of existing buildings on the site and parking areas. A letter co-signed by the property owner detailing what agricultural products will be sold, and the zoning district and location of the property on which these products were grown must also be submitted. The ordinance does not allow for the use of permanent structures to be used in conjunction with the sale of agricultural goods. However, temporary structures, such as tents, are allowed. Additionally, one small temporary sign may be installed on the site where agricultural products are being sold.

This ordinance change will promote local agriculture by better defining and expanding the process for selling locally grown agricultural products. The ordinance will also make purchasing locally grown agricultural products a viable alternative to purchasing produce that may have originated from sites far away from Forsyth County. Staff recommends approval of the proposed text amendment.

### **RECOMMENDATION**

### **APPROVAL.**

Kirk Ericson presented the staff report.

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

During discussion by the Planning Board, the following points were made:

1. The sketch would not be required to be to scale, but a to-scale drawing of the property is easily available from Geo-Data Explorer.
2. Any way we can increase access to fresh fruits and vegetables, especially local, is wonderful.

MOTION: Paul Mullican moved approval of the zoning text amendment.

SECOND: Wesley Curtis

VOTE:

FOR: Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Darryl Little, Lynne Mitchell, Paul Mullican

AGAINST: None

EXCUSED: None

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A. Paul Norby, FAICP  
Director of Planning

**UDO-207**  
**AN ORDINANCE AMENDING**  
**CHAPTER B OF THE *UNIFIED DEVELOPMENT ORDINANCES***  
**TO CREATE STANDARDS FOR THE SALE OF AGRICULTURAL PRODUCTS GROWN**  
**OFF-PREMISES**

Be it ordained by the Board of Commissioners of Forsyth County, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

**Section 1.** Chapter B, Article II of the UDO is amended as follows:

**Chapter B – Zoning Ordinance**  
**Article II - Zoning Districts, *Official Zoning Maps*, and**  
**Uses**

**2-6 ACCESSORY USES**

**2-6.5 OTHER ACCESSORY USES**

**(A) Fallout Shelter**

Structures designed to provide protection against nuclear fallout are permitted as principal or accessory uses in any district and are not subject to setback, yard or lot coverage restrictions, provided such structures extend not more than four (4) feet above grade.

**(B) Sale of Agricultural Products Grown on the Premises**

The sale of agricultural products grown on the premises is a permitted accessory use. For regulations concerning the temporary use “Sale of Agricultural Products Grown Off-Premises”, refer to Section B.2-7.2(M).

**(C) Farm Tenant Housing**

Housing for farmworkers on bona fide farms is a permitted accessory use.

**(D) Recycling Collection Point**

**(E) Social Services on Church Campuses**

Homeless shelters, soup kitchens, and other social services conducted by a church or religious institution on its primary campus as permitted accessory uses.

**(F) Dwelling in Nonresidential Districts**

In zoning districts not otherwise permitting residential buildings, a watchman or caretaker may occupy a house or other quarters on the same premises where he or she is employed.

**(G) Shelter, Emergency**

## 2-7 TEMPORARY USES

### 2-7.2 TEMPORARY USES PERMITTED

If requirements of this Ordinance, the Public Health Department, and other applicable laws are met, customary temporary uses shall be permitted, including but not limited to the following:

**(A) Construction**

Temporary structures or manufactured homes used for construction offices and storage areas on construction sites, for which the duration of such permits is limited to the actual time required for construction, plus the thirty (30) day period following the issuance of a certificate of occupancy.

**(B) Grading**

Temporary structures or sites of grading operations, for which the duration of such permits is limited to the actual time required for grading operations, plus the thirty (30) day period following the issuance of a certificate of occupancy.

**(C) Proprietary or Governmental Operations**

Temporary structures, manufactured homes, or storage areas of public agencies in the conduct of proprietary or governmental operations.

**(D) Use of Open Land**

The use of open land for meetings, circuses or carnivals, or the sale of Christmas trees, baked goods or collected clothing and the like, if no structure is erected or placed other than tents or recreational vehicles, for which the duration of such permits is limited to no longer than forty-five (45) consecutive days.

**(E) Turkey Shoot**

The use of open land for a turkey shoot in the AG, RS-40, LI, and GI Districts outside the corporate limits of Winston-Salem subject to the following restrictions:

- (1) Size.** A turkey shoot shall be on a site of not less than three (3) acres;
- (2) Distance to Adjacent Property.** The site shall be so designed that the distance to any adjacent property measured from the firing point or points in the direction of fire shall be not less than two hundred (200) yards; or an earthen backstop not less than twenty (20) feet in height shall be provided beyond the target line but within two hundred (200) feet thereof;
- (3) Targets and Firing Points.** Neither targets nor firing points shall be located closer than twenty (20) feet to a side property line;
- (4) Firearms.** Shotguns only shall be fired;
- (5) Hours of Operation.** The use of firearms shall be prohibited between the hours of 9:30 P.M. and 7:00 A.M.; and,
- (6) Duration of Permit.** The duration of the permit shall not exceed sixty (60) consecutive days.

**(F) Nonprofit Organizations**

The use of a residence or other building and surrounding land by any nonprofit charitable, religious, or educational organization for the purpose of exhibiting and purveying, indoors or outdoors, art or craft products, jewelry, clothing, foods, beverages, horticultural specimens, home furnishings and decorations, and similar or related items, and for presenting musical, film, or theatrical programs, indoors, for which the duration of such permits is limited to no longer than thirty (30) consecutive days.

**(G) Helicopter Sites**

Temporary helicopter landing and takeoff in conjunction with a special event, such as an athletic contest, a holiday celebration, parade or similar activity. All permits issued for a temporary helicopter landing facility shall be approved by the Police Department or Sheriff's Department and the Fire Official to ensure safety of operation. The duration of any zoning permit issued by the Director of Inspections for such temporary uses shall not exceed ten (10) consecutive days as specified in the permit. A temporary use permit is not required if landing or takeoff is necessary for law enforcement or other public safety purposes, or for aircraft or medical emergencies.

**(H) Manufactured Homes During Construction**

A manufactured home in the AG, YR and all RS Districts, occupied as a residence during construction of a single family home on the same zoning lot. Such temporary use permit shall be issued for a period not to exceed six (6) months, and may be extended for an additional six (6) months at the discretion of the Director of Inspections if the applicant can demonstrate substantial progress toward completion of construction.

**(I) Inert Debris Fill**

Fill of material on sites where the fill material consists only of inert debris strictly limited to concrete, brick, concrete block, uncontaminated soil, rock, gravel, and asphalt. Said permits may be issued for up to ninety (90) days and may not be renewed for at least one year after the previous permit has expired.

**(J) Removal and Deposition of Soils**

The removal of inert debris strictly limited to concrete, brick, concrete block, uncontaminated soil, rock, gravel, and asphalt from one site and the deposition of said inert debris at one other site, provided:

**(1) Frequency.** The sites so used for removal and deposition shall be permitted in tandem and only once.

**(2) Site Size.** The area of disturbance of the zoning lot from which the inert debris is taken shall be no greater than five (5) acres.

**(3) Hours of Operation.** Except in cases of emergency involving safety, the sites shall not be operated on Sunday and may not be operated earlier than 7:00 A.M. nor later than 6:00 P.M. on any other day.

**(4) Duration.** Notwithstanding the provisions of Section B.2-7.3(A), the temporary use permit shall only run concurrently with the related grading permit issued for operation of the two (2) sites.

**(K) Child Care (Temporary Care)**

A temporary child care arrangement established as an accessory use to and on the same zoning lot of any institutional or public use which provides either drop-in care or a seasonal or other part-time basis. Such temporary care arrangements must be approved by the State. A permit for such activity shall not exceed ninety (90) days, and may not be renewed within the same calendar year.

**(L) Shelter, Temporary**

The use of permanent structures to provide temporary housing during life threatening weather conditions, for which the duration of any zoning permit issued by the Director of Inspections for such temporary use shall not exceed thirty (30) consecutive days, and may be extended an additional thirty (30) days twice at the discretion of the Director of Inspections, not to exceed a total of ninety (90) consecutive days for the Shelter, Temporary use.

**(M) Sale of Agricultural Products Grown Off-Premises.** Agricultural products grown in Forsyth County on property zoned YR, AG, or RS-40 may be sold on any property zoned YR, AG, RS-40, NB, PB, LB, NSB, HB, GB, CB, or MRB-S during the time period from May 1 through October 31. This temporary use shall meet the following requirements:

(1) Structures, as defined in Chapter A, Article II of the UDO, may not be utilized in the sale of agricultural products grown off-premises. Temporary structures, such as tents, may be used in the sale of agricultural products.

(2) A site diagram shall be submitted for the property where the Sale of Agricultural Products will take place. Inspections staff shall approve such site diagram if it does not negatively impact the health, safety, and welfare of the surrounding area. The location of all property lines, existing buildings, driveways, parking, signs, and the location where the Sale of Agricultural Products will take place shall be shown on this site diagram.

(3) A letter detailing what agricultural products will be sold and the zoning and location of the property where it will be grown shall also be submitted.

(4) Temporary use zoning permits issued for the Sale of Agricultural Products are only valid from May 1 through October 31.

(5) Signage. Each Temporary Use Zoning Permit location for a Sale of Agricultural Products Grown Off-Premises lot is permitted one (1) sign – the sign shall have a maximum height of six (6) feet and shall be no larger than thirty-six (36) square feet in commercial zoning districts and eighteen (18) square feet in residential zoning districts. This sign must be located outside of the right-of-way and further must be located so as not to interfere with the sight distance of vehicles entering and exiting the premises. The sign may only be erected for the duration of the Temporary Use Zoning Permit.

### 2-7.3 PERMIT

(A) **Issuance**

Any temporary use shall be established only after issuance of a zoning permit by the Director of Inspections for such use. Duration of the temporary use shall be specified on such permit. Such permit may be renewed not more than twice, and such renewals may not exceed the period of time approved in the original permit. Unless otherwise specified, no single permit or single renewal shall be issued for a temporary use to exceed one year.

**Section 2.** This ordinance shall be effective upon adoption.