

**ORDINANCE AMENDING APPENDIX C OF THE CODE OF THE CITY OF PEORIA  
RELATING TO ROADSIDE PRODUCE STANDS**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS AS FOLLOWS:

Section 1: Appendix C of the Peoria City Code, being Ordinance No. 16,121 as adopted on June 12, 2007, and thereafter amended, is hereby amended by deleting the following stricken words and adding the following underlined words:

**5.5 TEMPORARY USES**

**5.5.3 Permitted Temporary Uses**

Subject to the specific regulations and time limits that follow, all applicable local ordinances and codes, and to the other applicable regulations of the district in which the use is permitted, the following temporary uses, and no others, are permitted in the zoning districts herein specified in the Permitted Temporary Use Table. Site Plan Review shall ensure that the proposed use will not have any adverse impact on the surrounding property, and the site for such proposed use is adequate in terms of size, lighting, parking, and traffic access:

**A. Permitted Temporary Use Table**

Permitted Temporary Use	Location	Maximum Duration of Use	Maximum Frequency	Additional Requirements	Site Plan Required?	Zoning Certificate Required?
House, Apartment, Garage & Yard Sales	Residential Districts	3 days	No more than 3 times in any 12 month period	Items for sale are limited to the personal possessions of the owner or occupant of the lot	No	No
Indoor/Outdoor Festivals, Sidewalk Sales, Art, Craft, Plant Shows/Exhibits/Sales	Commercial, Form, or Industrial District	Special Sales - 3 days Plant Sales - 150 consecutive days per calendar year	Special Sales - No more than 12 times per year	See 5.5.3.B Below	No	No
Christmas Tree/Pumpkin/Easter Lily Sales	All Districts	45 days	NA	Sales are permitted in any residential area when conducted by a not-for-profit religious, philanthropic, or civic organization on property owned or leased by such organization.	No	No
Contractor's Offices & Equipment Sheds	All Districts when accessory to construction	Coincide with active construction	NA	Sleeping or cooking accommodations are prohibited	No	No
Real Estate Office, Including Model Units	All Districts when accessory to a new development	Coincide with active selling/leasing period.	NA	Sleeping or cooking accommodations are prohibited unless in a model dwelling unit. Office cannot be used as the general office or headquarters of any firm.	Yes	Yes
Carnivals & Circuses	All Districts	10 days	No limit	None	Yes	Yes
Sales of Overstocks, Seconds, Similar Goods in Districts where not a Permitted Use	I-1, I-2, & I-3 Districts when accessory to a permitted use	10 days	No more than 4 times per 12 month period with 7 days in between each sale	See 5.5.3.C Below	No	No
Tents	All Districts with a permitted, accessory, temporary, or special use	10 days	No more than 4 times per 12 month period with 7 days in between each tent sale	Tent must comply with setback and height limitations of the zoning district in which it is placed. Tent cannot obstruct access to handicap parking spaces.	No	No
Civic Uses of Public Property	Commercial or Form Districts	No limit	No limit	Authorization by the controlling governmental agency and the use must not impose an undue adverse effect on the neighboring streets or property	No	No
Wheelchair Ramp	Residential Districts	Length of residency plus 60 days by the individual with a disability requiring a wheelchair	NA	Minimum encroachment into required yards and safe ingress/egress from the property	Yes	Yes
Portable Storage Devices	Residential, Commercial, & Industrial districts	Residential - 14 days + 30 day extension Commercial - 30 days Industrial - 60 days	Residential - 3 times per calendar year Commercial - no limit Industrial - no limit	See 5.5.3.D Below	No	No
Bus Benches and Shelters	Non Residential Districts	No limit	NA	See 5.5.3.E Below	Yes	Yes
Farmers' Markets	C-N, C-G, and I-1 Districts	Not to interfere with surrounding land uses	No limit	See 5.5.3.F Below	No	No
Demountable Temporary Structures	All Districts except N1 and P1	6 months	NA	Subject to Special Use approval per Section 2.9	Yes	Yes
<u>Roadside Produce Stand</u>	<u>C-N District</u>	<u>Coincide with growing season</u>	<u>NA</u>	<u>See Section 5.5.3.G. Below</u>	<u>No</u>	<u>No</u>
<u>Home-produced fruit and vegetable sales</u>	<u>Residential Districts and Legal Non-Conforming Residential Dwellings in non-residential Districts.</u>	<u>3 days</u>	<u>No more than 3 times in any 12 month period</u>	<u>Items for sale are limited to fruits and vegetables grown at the residence where the sale is occurring.</u>	<u>No</u>	<u>No</u>

**B. Indoor/Outdoor Festivals, Sidewalk Sales, Art, Craft, Plant Shows/Exhibits/Sales**

1. The display area shall not encroach into any required yard area.
2. Special sales shall not exceed three days in length and shall be limited to 12 special sales per year. At no other time shall materials, merchandise or inventory be stored outdoors except per the requirements for permanent display areas. In Class C-2G (~~Large Scale~~ General Commercial) Districts, special sales shall not exceed 90 total days in a calendar year with no one even exceeding 30 days; 7 days are required between each event.
3. Plant sales located within parking areas shall adhere to the following regulations:
  - a. Plant sales are allowed in parking areas that exceed the minimum required parking spaces per 8.1.6. For a maximum of 150 consecutive days per calendar year.
  - b. Plant sales structures must meet the setback requirements of the respective zoning district and must not exceed a maximum height of 14 feet.
  - c. Any proposed outdoor lighting for the plant sale must obtain the appropriate permit from the inspections department and adhere to outdoor site lighting requirements [per] 8.5.
  - d. Temporary signage for plant sales must adhere to the temporary signage requirements. With the exception that the frequency of display may be increased to one display period for a length of 150 days and shall not include any prohibited signage.

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**G. Roadside Produce Stand**

1. Roadside Produce Stand means any trailer, tent, table, operable motor vehicle, or other temporary structure, not erected on a foundation, for the sale of seasonal whole, uncut fresh produce, not customarily sold on a year-round basis.
2. The purpose of a roadside produce stand is to allow groups and individuals, who are actively farming, low cost entrance into direct marketing their produce. It is characterized as a direct marketing operation without a permanent structure and only offering outdoor shopping. Such an operation is seasonal in nature and features locally grown fresh produce.
3. Permitted accessory to any permitted use or as a primary use pursuant to the following regulations:
  - (a) Written permission of the property owner is required.
  - (b) The only items allowed for sale are seasonal fresh produce. No processed or package food or other items are permitted for sale.
  - (c) The sales area shall be located in an area that will not disrupt the flow of traffic onto and off the site or obstruct any handicap access or parking. Parking facilities will be evaluated to ensure that adequate parking is available during the approved operating hours of the event.

- (d) If produce is sold from a motor vehicle, it must be located on a hard surface.
- (e) The roadside produce stand shall conform to all applicable rules and regulations governing food vendors.
- (f) The roadside produce stand shall be limited in days and hours of operation so as to not interfere with the surrounding land uses.
- (g) All components of the roadside stand must be brought indoors daily, at the close of sales.
- (h) No variances from these standards are permitted.

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**11.0 DEFINITIONS**

**11.3 Defined Terms**

Roadside Produce Stand: Any trailer, tent, table, operable motor vehicle, or other temporary structure, not erected on a foundation, for the sale of seasonal, whole, uncut fresh produce, not customarily sold on a year-round basis.

Roadside Stand: Any trailer, tent, table, operable motor vehicle, or other temporary structure, not erected on a foundation, for the sale of various items, excluding seasonal fresh produce.

Section 2. This Ordinance shall be in full force immediately and upon passage and approval according to law.

PASSED BY THE CITY COUNCIL OF THE CITY OF PEORIA, ILLINOIS, THIS  
 \_\_\_\_\_ DAY OF \_\_\_\_\_, 2013

APPROVED:

\_\_\_\_\_  
 Mayor

ATTEST:

\_\_\_\_\_  
 City Clerk

EXAMINED AND APPROVED:

\_\_\_\_\_  
 Corporation Counsel