

**STAFF PERSON:
BOARD OF SUPERVISORS:**

**Francis H. MacCall
March 14, 2018**

Staff Report for Special Exception to reduce the front setback from for the parking for a farm sales use as required under Section 5.1.58(h)(3) of the Zoning Ordinance.

Tax Map 75 Parcel 50 is 4.62 acres, is zoned RA, Rural Areas, and is split into two parts, a northern portion that is the smaller portion and a southern portion that is the larger portion. There is an existing historic Country Store (Hickory Hill Store) on the southern portion that is in the process of renovation. The applicant is also in the process of establishing a landscaping nursery on the property. The Zoning Ordinance considers the landscaping nursery an agricultural operation. Areas of both the northern and southern portions of the property are proposed to accommodate sales of the products from the property. Value added products, including but not limited to gardening pots and tools, and mulch are also permitted to be sold onsite.

County Code §18-5.1.58 allows for the sale of agricultural products, value-added products and accessory merchandise on a farm, either outdoors or within a temporary or permanent structure, where the vendor selling the products and merchandise is engaged in production agriculture on the farm on which the farm sales use is located. Section 5.1.58(h)(3) requires that parking for a farm sales use at an agricultural operation be setback from the front, side, and rear property lines by seventy-five (75) feet. The applicant is requesting that the parking setback from the front property line be reduced to be no closer than twenty-five (25) feet on the northern portion and no closer than fifty-five (55) feet on the southern portion of the property. (Attachment C)

County Code §18-5.1 allows any requirement of section 5 to be modified or waived in an individual case, upon a finding that such requirement would not forward the purposes of this chapter or otherwise serve the public health, safety, or welfare, or that a modified regulation would satisfy the purposes of this chapter to at least an equivalent degree as the specified requirement; and upon making any finding expressly required for the modification or waiver of a specific requirement.

With Zoning Clearance CLE2018-00050 Triple Seven Groundcovers, the applicant is proposing to construct structures and provide some parking for farm sales on less than twenty-one (21) acres. Farm sales structures are permitted to be up to 4,000 sq. ft., and this application proposes around 2,100 total sq. ft. total for two structures. The structures are required to be thirty-five (35) feet from the existing public road and any parking for the use is required to be seventy-five (75) feet from the front, side, and rear property lines. The proposed structures will be more than thirty-five (35) feet from the existing public road. To allow customers to park near the new structures, the applicant is requesting that the parking be closer than the required front yard setback of seventy-five (75) feet.

The property does contain floodplain. The area where the structures and parking are proposed will not be within the floodplain. (Attachment C) Appropriate engineering mitigation will be required for the parking and structures.

The constraints of the site due to the location of Moore's Creek and floodplain at the rear of the property will not permit the parking for the use to meet the seventy-five (75) foot setback. Considering that structures used for farm sales may be thirty-five (35) feet from the public road, in this case, staff believes it to be reasonable to allow the parking to be near the structure, and that allowing the applicant's request to reduce the required front yard setback of 75 feet would satisfy the purposes of this chapter to at least an equivalent degree as the specified requirement.

Staff recommends that the Board adopt the attached Resolution (Attachment D) to approve the special exception to allow parking for the farm sales use to be located closer than seventy-five (75) feet from the right of way for both the northern and southern portions of Tax Map 75 Parcel 50 as shown on the sketch plan provided. (Attachment C)