

ORDINANCE # 1684

AN ORDINANCE AMENDING THE CITY ZONING ORDINANCE BY MODIFYING SECTION 1-3 (DEFINITIONS) AND SECTION 10-2 (PERMITTED AND CONDITIONAL USES)

BE IT ORDAINED by the Council of the City of Poquoson, Virginia:

Section 1: That the Zoning Ordinance of the City of Poquoson, Virginia be amended by modifying Appendix A, Section 1-3, Definitions, to read as follows:

ARTICLE I. – GENERAL PROVISIONS

Sec. 1-3. - Definitions.

~~*Farmer's market:* A place where farmers or other people who are engaged in truck farming gather regularly for the purpose of selling produce and goods produced at their farms. The sale of seafood is included in this definition.~~

[...]

Open-Air Market: An occasional or periodic market where temporary stalls or tables are erected in an open area and where one or more individuals offer goods for sale to the public, including farmed produce, seafood, handicrafts, antiques, and other retail goods. This definition shall not be construed to include sidewalk sales by retail merchants, bake sales, or garage/yard sales held in conjunction with and incidental to residential uses or sponsored and conducted by religious, civic, or charitable organizations on their own developed property.

Section 2: That the Zoning Ordinance of the City of Poquoson, Virginia be amended by modifying Appendix A, Section 10-2, Permitted and Conditional Uses, to read as follows:

ARTICLE X. – B-2 DISTRICT REGULATIONS

Section 10-2. – Permitted and conditional uses.

(a) In the general business district B-2, structures and land shall be used for one or more of the following uses:

[...]

(9) The outdoor display and sale of seasonal items, when deemed by the zoning administrator as an accessory use to a primary commercial use; as a primary use by a bona fide non-profit civic group organized and located in the City of Poquoson; or by a farmer's market fruit or produce stand.

[...]

(b) In the B-2 general business district structures and land to be used for one or more of the following uses shall be permitted only after the issuance of a conditional use permit using the procedures in section 1-7 of this ordinance [appendix]. If a proposed use cannot be made acceptable through the establishment of conditions, a conditional use permit request may be denied by city council.

[...]

(9) ~~Flea markets~~ Open-air markets.

Section 3: That this resolution shall be in effect on and after its adoption.

ADOPTED: May 24, 2021