

CITY OF FRANKLIN TENNESSEE

PEDDLER - SOLICITOR –ITINERANT MERCHANT APPLICATION

PLEASE READ AND AGREE TO THE FOLLOWING INFORMATION PRIOR TO SUBMITTING APPLICATION

All applications are referred to the Chief of Police for investigation. The Chief shall report the findings within 72 hours.

Required attachments to be submitted with application:

1. Two (2) recent clear photographs approximately two inches square showing the head and shoulders of the applicant
2. Non-refundable application Fee of \$50.00 per applicant for background check
Payment by cash, money order or local check
3. Copy of drivers license or other official photo ID
4. Copy of business license (if applicable)

Required following approval:

Surety bond in the amount of \$1,000 per applicant is required upon approval (not required for charitable solicitor)

Hours in which business may be conducted:

Door to Door Peddlers and Solicitors: Monday through Saturday between the hours of 9:00 A.M. and 7:00 P.M. (8:00 P.M. DST)

REFERENCE: Franklin Municipal Code – Title 9, Chapter 2 and Chapter 3 (as amended)

Type of permit requested: Full time Part time

- Peddler – Door to door solicitations with concurrent, on-the-spot delivery of good/service
- Solicitor – Door to door solicitations with future delivery of good/service
- Itinerant Merchant – Selling or offering for sale (including giving away) from a temporary location
- Charitable Solicitor – Specific to bona fide charitable, religious, patriotic or philanthropic organization

Give a brief description of the type business / type goods to be sold _____

If itinerant merchant, give the local address from which the sales will be made _____

If itinerant merchant, has property owner given permission for use of this property? Circle yes or no.

Length of time or date(s) for which to do business is desired _____

Personal Information of Applicant

Name of applicant _____

Permanent home address of applicant _____

City _____ ST _____ ZIP _____

Phone # (_____) _____

D.O.B. _____ S.S. # _____

Weight _____ Height _____ Hair _____ Eyes _____

Drivers license # _____ St _____

Vehicle Information of vehicle to be used to make sales or solicitations

Make of vehicle _____ Model of vehicle _____ Color of vehicle _____

License Tag No. _____ State registered _____

Give name and address vehicle is registered in:

Name _____

Address _____

City _____ ST _____ ZIP _____

Has the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance? Yes _____ No _____

If yes, give the nature of the offense; and the punishment or penalty assessed therefore.

Business Information

Name and address of the of the business or organization the applicant represents. Please provide credentials there-from establishing the exact relationship.

Name of business _____

Address of business _____

City _____ State _____ Zip _____

Does the business have a business license within the State of Tennessee? Yes _____ No _____
If yes, please provide copy of current business license.

Give the names of at least two reputable local property owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of references, such other available evidence as will enable an investigator to properly evaluate the applicant's moral reputation and business responsibility. _____

List the last three cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of transient merchants, the addresses from which such business was conducted in those municipalities. _____

I have read and agree to the rules and regulations regarding peddlers, solicitors, itinerant merchants and charitable solicitors. I hereby agree to submit all information required truthfully and completely and to abide by the rules and regulations of the City of Franklin.

Signature

Date

Notary

Date

Commission Expires

Office location:
109 Third Ave So, Suite 141
Franklin, TN 37064

Mailing Address:
P O Box 705
Franklin, TN 37065

Phone: (615) 794-4572
Office hours:
Monday – Friday
8:00 A.M. – 5:00 P.M.

Office use:

Application Fee \$50.00 _____ Check Number _____

Received: Date _____ Time _____

Copy of application and Identification will be sent to Franklin Police Dept for background check.

City of Franklin
Zoning Certification
Peddler-Solicitor-Itinerant Merchant
Account # _____

Applicant name: _____

Email Address: _____

Phone Number: _____

Type of permit requested: _____

Local address from which sales will be made: _____

Length of time for which to do business is desired: _____

Applicant has read section 4.2 of the Zoning Ordinance? _____ Y | _____ N

Applicant has read Title 9 Chapter 2 of the Municipal Code? _____ Y | _____ N

Codes Department use only

Is a plot plan required and recorded? _____ Y | _____ N

Is a County Health inspection required and recorded? _____ Y | _____ N

Is a letter of consent required and recorded? _____ Y | _____ N

Is a tent permit required and recorded? _____ Y | _____ N

- This applicant is approved
- This applicant **is not** approved and reason for denial:

Codes Administration: _____ Date _____

CUSTOMER CHECKLIST FOR PEDDLER-SOLICITOR-ITINERANT MERCHANT APPLICATION

1. Read Municipal Code and Zoning Ordinance
2. Complete Application and Have Notarized
3. Get Two Recent Clear Photographs Two Inches Square of Head and Shoulders
4. Copy of Drivers License or Other Official Photo ID
5. Copy of Business License (if applicable)
6. Surety Bond
7. Letter From Property Owner (if applicable)
8. Tent Permit from Fire Department (if applicable)-Contact Fire Dept. at (615) 791-3270
9. Sign Permit (if applicable)-Contact Codes at (615) 794-7012
10. County Health Department Permit (if applicable)-Contact Health Dept. at (615) 794-1542
11. Completed Zoning Certification Letter
12. \$50.00 Fee (Cash, Money Order or Local Check)

CHAPTER 2

PEDDLERS, SOLICITORS, ETC.²

SECTION

- 9-201. Definitions.
- 9-202. Permit required; exemptions.
- 9-203. Application for permit.
- 9-204. Issuance or refusal of permit.
- 9-205. Appeal.
- 9-206. Bond.
- 9-207. Loud noises and speaking devices.
- 9-208. Limitations on use of streets and sidewalks.
- 9-209. Exhibition of permit.
- 9-210. Police officers and codes officers to enforce.
- 9-211. Revocation or suspension of permit.
- 9-212. Reapplication.
- 9-213. Expiration and renewal of permit.
- 9-214. Hours in which business may be conducted; trespassing.

9-201. Definitions. (1) "Goods," "wares" or "merchandise" shall mean all variety of merchandise items, whether handmade or manufactured, or services, whether personal or professional categorized as, but not necessarily limited to, souvenirs, gifts, prizes, art, school supplies, cloth, clothing or wearing apparel, toys, balloons, novelties, small appliances, works of art or crafts, directional information and/or charts, street photographers, tools or mechanical, devices of any nature.

(2) "Itinerant merchant" shall mean any person who engages in the giving away, the selling or offering for sale, of goods, wares or merchandise, or who solicits patronage for any person, business, or service by word of mouth, or gesture, or by use of electrical, mechanical or sound-making devices, to entice or persuade anyone to buy, sell or accept goods, wares, or merchandise within the corporate limits of the city, where the above-mentioned activities are conducted from a temporary or transient location.

(3) "Peddler" shall mean any person who goes from dwelling to dwelling, business to business, place to place or from street to street, carrying or transporting goods, wares or merchandise and offering or exposing the same for sale. Connotes

²Municipal code reference
Privilege taxes: title 5.

one who makes sales and delivery of merchandise or services concurrently and on-the-spot to a residential or commercial customer.

(4) "Solicitor" shall mean any person who goes from dwelling to dwelling, business to business, place to place or from street to street, taking or attempting to take orders for any goods, wares or merchandise, or personal property of any nature whatever for future delivery. Does not include bona fide charitable, religious, patriotic or philanthropic organizations to the extent they are regulated by chapter 3 of this title. (1976 Code, § 5-201, as replaced by Ord. #2004-68, Dec. 2004)

9-202. Permit required; exemptions. (1) It shall be unlawful for any peddler, solicitor, or itinerant merchant to ply his or her trade within the corporate limits without first obtaining a permit in compliance with the provisions of this chapter. A permit shall be issued to an individual only. No permit shall be used at any time by any person other than the one to whom it is issued.

(2) Exemptions. Except as may be required in chapter 3 of this title, the terms of this chapter shall not be applicable to persons selling at wholesale to dealers, nor to newsboys, nor to bona fide merchants who merely deliver goods in the regular course of business, nor to sellers responding to a prior invitation by the owner or occupant of a residence, nor to bona fide charitable, religious, patriotic or philanthropic organizations, nor to a person receiving authorization to ply his or her trade under a special event permit.

(3) Violation and penalty. Any person violating any of the provisions of this chapter, or filing, or causing to be filed, an application for a permit or certificate under this chapter containing false or fraudulent statements shall be fined not less than twenty-five dollars nor more than fifty dollars. Each solicitation that occurs in violation of this chapter shall be deemed a separate offense. (1976 Code, § 5-202, as amended by Ord. #2004-68, Dec. 2004)

9-203. Application for permit. (1) Applicants for a solicitor's permit under this chapter must file with the city recorder a sworn written application containing the following for each peddler, solicitor or itinerant merchant:

- (a) Name and physical description of applicant.
- (b) Complete permanent home address and local address of the applicant and, in the case of itinerant merchants, the local address from which proposed sales will be made.
- (c) A brief description of the nature of the business and the goods to be sold or the nature of the solicitation.
- (d) If employed, the name and address of the employer, together with credentials there-from establishing the exact relationship.
- (e) The length of time for which the right to do business is desired.
- (f) Two (2) recent clear photographs approximately two (2) inches square showing the head and shoulders of the applicant.
- (g) The names of at least two (2) reputable local property owners who will certify as to the applicant's good moral reputation and business responsibility, or in lieu of the names of references, such other available evidence as will enable an

investigator to evaluate properly the applicant's moral reputation and business responsibility.

(h) A statement as to whether or not the applicant has been convicted of any crime or misdemeanor or for violating any municipal ordinance; the nature of the offense; and, the punishment or penalty assessed therefor.

(i) The last three (3) cities or towns, if that many, where applicant carried on business immediately preceding the date of application and, in the case of itinerant merchants, the addresses from which such business was conducted in those municipalities.

(j) At the time of filing the application, a non-refundable fee of fifty dollars (\$50.00) shall be paid to the city to cover the cost of investigating the facts stated therein. (1976 Code, § 5-203, as amended by Ord. #2002-27, Aug. 2002, and Ord. #2004-68, Dec. 2004)

9-204. Issuance or refusal of permit. (1) Upon receipt of a complete application and all applicable fees and taxes, each application shall be referred by the city recorder to the chief of police for investigation. The chief shall report his findings to the city recorder within seventy-two (72) hours.

(2) If as a result of such investigation the chief reports the applicant's moral reputation and/or business responsibility to be unsatisfactory the city recorder shall notify the applicant that his application is disapproved and that no permit will be issued. If, on the other hand, the chief's report indicates that the moral reputation and business responsibility of the applicant are satisfactory the city recorder shall issue a revocable permit upon the payment of all applicable fees and taxes and the filing of the bond required by § 9-206. The city recorder shall keep a permanent record of all permits issued. (1976 Code, § 5-204, as amended by Ord. #2004-68, Dec. 2004)

9-205. Appeal. Any person aggrieved by the action of the chief of police and/or the city recorder in the denial of a permit shall have the right to appeal to the board of mayor and aldermen. Such appeal shall be taken by filing with the mayor within fourteen (14) days after notice of the action complained of, a written statement setting forth fully the grounds for the appeal. The mayor shall set a time and place for a hearing on such appeal and notice of the time and place of such hearing shall be given to the appellant. The notice shall be in writing and shall be mailed, postage prepaid, to the applicant at his last known address at least five (5) days prior to the date set for hearing, or shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing. (1976 Code, § 5-205)

9-206. Bond. Every permittee shall file with the city recorder a surety bond running to the city in the amount of one thousand dollars (\$1,000.00), or if named as an authorized participant in a special event, a peddler, solicitor or itinerant merchant shall be considered to be covered by the special event's bond or deposit as required under title 16, chapter 5 of this code. The bond shall be conditioned that the

permittee shall comply fully with all the provisions of the ordinances of this city and the statutes of the state and shall guarantee to any citizen of the city that all money paid as a down payment will be accounted for and applied according to the representations of the permittee, and further guaranteeing to any citizen of the city doing business with said permittee that the property purchased will be delivered according to the representations of the permittee. Action on such bond may be brought by any person aggrieved and for whose benefit, among others, the bond is given, but the surety may, by paying, pursuant to order of the court, the face amount of the bond to the clerk of the court in which the suit is commenced, be relieved without costs of all further liability. (1976 Code, § 5-206, as amended by Ord. #2004-68, Dec. 2004)

9-207. Loud noises and speaking devices. No permittee, nor any person in his behalf, shall shout, cry out, blow a horn, ring a bell or use any sound amplifying device upon any of the sidewalks, streets, alleys, parks or other public places of the city or upon private premises in violation of the city's noise ordinance. (1976 Code, § 5-207, as amended by Ord. #2004-68, Dec. 2004)

9-208. Limitations on use of streets and sidewalks. (1) Non-exclusive use of streets. No permittee shall have any exclusive right to any location in the public streets, nor shall any be permitted a stationary location thereon, nor shall any be permitted to operate in a congested area where the operation might impede or inconvenience the public use of the streets. For the purpose of this chapter, the judgment of a police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested and the public impeded or inconvenienced.

(2) Prohibitions. The following activities shall be declared unlawful:

(a) Soliciting by parked vehicle or movable receptacle on public streets, highways, sidewalks, right-of-way, and public places.

(b) The erection of stands or similar contrivances on public streets, highways, sidewalks, rights-of-way, and public places for the purpose of giving away displaying and/or buying or selling of goods, wares or merchandise.

(c) Sale of drinks or other prepared foods and/or edible items upon public streets, sidewalks, highways and rights-of-way, except as may be regulated elsewhere in this code. (1976 Code, § 5-208, as amended by Ord. #2004-68, Dec. 2004)

9-209. Exhibition of permit. Permittees are required to exhibit their permits for inspection at all times and upon the request of any police officer or citizen. Failure to exhibit a permit shall constitute a violation of this section. (1976 Code, § 5-209, as amended by Ord. #2004-68, Dec. 2004)

9-210. Police officers and codes officers to enforce. It shall be the duty of all police officers and codes officers to see that the provisions of this chapter are enforced. (1976 Code, § 5-210, as amended by Ord. #2004-68, Dec. 2004)

9-211. Revocation or suspension of permit. (1) Permits issued under the provisions of this chapter may be revoked or suspended by the board of mayor and aldermen after notice and hearing, for any of the following causes:

(a) Fraud, misrepresentation, or incorrect statement contained in the application for permit, or made in the course of carrying on the permitted business.

(b) Any violation of this chapter.

(c) Conviction of any crime or misdemeanor.

(d) Conducting the business of peddler, solicitor, or itinerant merchant, as the case may be, in an unlawful manner or in such a manner as to constitute a breach of the peace or to constitute a menace to the health, safety, or general welfare of the public.

(2) Notice of the hearing for revocation of a permit shall be given by the city recorder in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed to the permittee at his last known address at least five (5) days prior to the date set for hearing, or it shall be delivered by a police officer in the same manner as a summons at least three (3) days prior to the date set for hearing.

(3) When reasonably necessary in the public interest the mayor may suspend a permit pending the revocation hearing. (1976 Code, § 5-211, as amended by Ord. #2004-68, Dec. 2004)

9-212. Reapplication. No permittee whose permit has been revoked shall make further application until a period of at least six (6) months has elapsed since the last revocation. (1976 Code, § 5-212)

9-213. Expiration and renewal of permit. Permits issued under the provisions of this chapter shall expire one year from the date of issuance or upon the expiration of a permit holder's privilege license, whichever is sooner. Permits may be revoked if, at any time, any condition of the permit or requirement of this chapter has not been met, including but not limited to maintaining all required permits and licenses. (1976 Code, § 5-213, as amended by Ord. #2004-68, Dec. 2004)

9-214. Hours in which business may be conducted; trespassing.

(1) No permittee shall conduct any solicitations or sales except between the hours of 9:00 A.M. and 7:00 P.M. (8:00 P.M. during daylight savings time) on Monday through Saturday, it being the intent that door-to-door sales occur during daylight hours and at times when citizens feel secure in their homes to receive unexpected visitors.

(2) Trespass. It shall be unlawful and deemed to be a trespass for any permittee acting under this division to fail to leave promptly the private premises of any person who requests or directs the permittee to leave or has posted a sign that indicates solicitors are not welcome. (as added by Ord. #2002-27, Aug. 2002, and amended by Ord. #2004-68, Dec. 2004)

CHAPTER 3

CHARITABLE SOLICITORS

SECTION

9-301. Definition; permit required.

9-302. Prerequisites for a permit; revocation or suspension of permit.

9-303. Time, place, and manner of restrictions.

9-304. Appeal from denial of permit.

9-305. Exhibition of permit.

9-306. Hours in which business may be conducted; trespassing.

9-301. Definition; permit required. (1) Definition. "Charitable solicitor" means any person firm, corporation or organization who or which solicits contributions from the public, either on the streets of the city or from door to door, business to business, place to place or from street to street, for any charitable or religious organization. No entity shall qualify as a "charitable" or "religious" organization unless the organization has a current exemption certificate from the Internal Revenue Service.

(2) Permit required. No person shall solicit contributions or anything else of value for any charitable or religious purpose on any public street, sidewalk, or other public or private property in the City of Franklin, without a permit authorizing such solicitation in accordance with the procedure in chapter 2 of this title. This section applies only to commercial activities and to the solicitation of funds and shall not apply to any locally established organization or church operated exclusively for charitable or religious purposes if the solicitations are conducted exclusively among the members thereof, voluntarily and without remuneration for making such solicitations, and if the solicitations are in the form of collections or contributions at the regular assemblies of any such established organization or church.

(3) Violation and penalty. Any person violating any of the provisions of this chapter, or filing, or causing to be filed, an application for a permit or certificate under this chapter containing false or fraudulent statements shall be fined not less than twenty-five dollars nor more than fifty dollars. Each solicitation which occurs in violation of this chapter shall be deemed a separate offense. (1976 Code, § 5-301, as amended by Ord. #2004-68, Dec. 2004)

9-302. Prerequisites for a permit; revocation or suspension of permit. The city recorder shall issue a revocable permit, subject to revocation or suspension under the conditions and procedures in chapter 2 of this title. The following prerequisites must be met:

(1) The application form has been completed by the applicant and all information requested has been verified by the police chief or his designee. The application shall include all information required to be submitted of every solicitor and shall be subject to the procedure in §§ 9-203 -- 9-205 of this code.

(2) The organization requesting permission to solicit must prove that it is a tax-exempt organization under one of the applicable provisions of the Internal Revenue Code as evidenced by a current letter from the Internal Revenue Service. (1976 Code, § 5-302, as amended by Ord. #2004-68, Dec. 2004)

9-303. Time, place, and manner of restrictions. The following restrictions are placed on the time, place and manner of charitable solicitations that may be done on any street, sidewalk, or other property in the City of Franklin, Tennessee.

(1) No person under the age of 18 is permitted to solicit on public property.

(2) No person shall be upon or go upon any street or roadway or shall be upon or go upon any shoulder of any street or roadway for the purpose of soliciting employment, business, or charitable contributions of any kind from the occupant of any vehicle.

(3) Solicitors will wear adequate identification regarding the club/charity for which they are soliciting.

(4) No club or charity may conduct a solicitation within the city limits more than once every ten months. (1976 Code, § 5-303)

9-304. Appeal from denial of permit. Any applicant for a permit to make charitable or religious solicitations may appeal to the board of mayor and aldermen if a permit has not be granted within fifteen (15) days after completion of the application requirements therefor. (1976 Code, § 5-304, as amended by Ord. #2004-68, Dec. 2004)

9-305. Exhibition of permit. Any solicitor required by this chapter to have a permit shall exhibit such permit for inspection all times and upon the request of any police officer or person solicited. Failure to exhibit a permit shall constitute a violation of this section. (1976 Code, § 5-305, as amended by Ord. #2004-68, Dec. 2004)

9-306. Hours in which business may be conducted; trespassing.

(1) No charitable solicitor shall conduct any solicitations or sales except between the hours of 9:00 A.M. and 7:00 P.M. (8:00 P.M. during daylight savings time) on Monday through Saturday, it being the intent that door-to-door charitable solicitations occur during daylight hours and at times when citizens feel secure in their homes to receive unexpected visitors.

(2) Trespass. It shall be unlawful and deemed to be a trespass for any permittee acting under this division to fail to leave promptly the private premises of any person who requests or directs the permittee to leave or has posted a sign that indicates solicitors are not welcome. (as added by Ord. #2004-68, Dec. 2004)

CHAPTER 4: USE REGULATIONS

4.1 ACCESSORY USES AND STRUCTURES

4.1.1 Purpose

This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses. The intent of this section is to allow a broad range of accessory uses, so long as such uses are located on the same site as the principal use, they comply with the standards set forth in this section, and they do not create adverse impacts on surrounding lots or sites.

4.1.2 General Standards and Limitations for Accessory Uses

Except for accessory structures exempted in Subsection 4.1.3, Exemptions for Accessory Uses in the AG District, accessory uses or structures shall:

- (1) Directly serve the principal use or structure;
- (2) Be accessory and clearly incidental to the principal use or structure;
- (3) Be clearly subordinate in area, extent, and purpose to the principal use or structure;
- (4) Be owned or operated by the same person as the principal use or structure;
- (5) Be located on the same lot as the principal use or structure or on a contiguous lot;
- (6) Be located at least five feet from all lot lines and ten feet from any other structures (except fences or walls);
- (7) Not take place within required front or side yards or project beyond the front building line of the principal structure (except fences or walls); however, accessory structures may encroach into a side-street setback in Traditional Areas;
- (8) Be limited to a maximum of one accessory building on lots in residential districts, (except the AG District);
- (9) Not be located within platted or recorded easements or over underground utilities;
- (10) Not violate the bulk, density, parking, landscaping, or open space standards of this ordinance when taken together with the principal use or structure;
- (11) Be subject to the design and development standards in Chapter 5;
- (12) Not exceed the height of the principal structure, except for those structures exempt from the height requirements of this ordinance;
- (13) Not be constructed or established prior to the time the principal use or structure is constructed or established; and
- (14) Not constitute a combination of two principal uses; combination uses will not meet the above standards in terms of being subordinate or providing service to the principal use.

4.1.3 Exemptions for Accessory Structures in the AG District .

Accessory structures in the AG District shall be exempt from:

- (1) The location standards in Subsections 4.1.2(6) and (7);
- (2) The maximum number of structures standards in Subsection 4.1.2(8);
- (3) The maximum height standards in Subsection 4.1.2(12); and
- (4) The canopy prohibition standards in Subsection 4.1.2(13).

4.1.4 Table of Permitted Accessory Uses

(1) Listed Accessory Uses

Table 4-1 lists the allowed types of accessory uses and structures. If a specific accessory use is allowed in a district, the column underneath the district is marked with a "P." If the accessory use or structure is not allowed in a district, the column is shaded. If there is a reference contained in the column entitled "Add'l Req.," refer to the cited section(s) for additional standards that apply to the specific accessory use.

TABLE 4-1: PERMITTED ACCESSORY USES

P = Permitted Shaded Cell = Prohibited

Accessory Use or Structure	Base Zoning Districts [1]																Add'l Req.			
	AG	ER	R-1	R-2	R-3	R-6	RV	OR	OI	OD	ND	CG	CC	MN	ML	MR		LI	HI	
Automated Teller Machines/Kiosk (ATM)								P	P	P	P	P	P	P	P	P	P	P	P	Sec. 4.1.6(1)
Canopies	P							P	P	P	P	P	P	P	P	P	P	P	P	Sec. 4.1.6(2)
Communication Towers or Antennas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 3.2.10
Fences or Walls	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 5.6
Home Occupations	P	P	P	P	P	P	P	P				P		P	P	P				Sec. 4.1.6(5)
Indoor Food Sales								P	P	P	P	P	P	P	P	P	P	P	P	Sec. 4.1.6(6)
Outdoor Sales/ Storage (as an accessory use)	P									P	P	P	P	P	P	P	P	P	P	Sec. 4.1.6(7)
Produce Stands	P								P		P	P	P	P	P	P				Sec. 4.1.6(8)
Recreational Facilities, including playground equipment & non-illuminated athletic fields)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Recycling Drop-Off Stations	P							P	P	P	P	P	P	P	P	P	P	P	P	Sec. 4.1.6(9)
Retail Sales of Goods (as an accessory use)																	P	P		Sec.

TABLE 4-1: PERMITTED ACCESSORY USES

P = Permitted Shaded Cell = Prohibited

Accessory Use or Structure	Base Zoning Districts [1]																	Add'l Req.		
	AG	EF	R-1	R-2	R-3	R-6	RV	OR	OI	GO	NG	CG	CO	MN	ML	MR	LI		HI	
part of a freight or warehouse use)																				4.1.6(10)
Satellite Dish Antennas	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 4.1.6(11)
Security or Caretaker Quarters	P									P	P	P	P	P	P	P	P	P	P	Sec. 4.1.6(12)
Stand-Alone Drive-Through Uses									P	P	P		P		P	P	P	P	P	Sec. 4.1.6(13)
Storage or Parking of Heavy Trucks or Trailers										P	P		P		P	P	P	P	P	Sec. 4.1.6(14)
Storage or Parking of Major Recreational Equipment	P	P	P	P					P											
Storage Buildings or Equipment Sheds	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	

NOTES:
 [1] Lots within an overlay district are subject to the district-specific standards in Chapter 3: Zone Districts, Use Tables, and Dimensional Standards, that may prohibit an accessory use otherwise allowed in a base district.

(2) Interpretation of Unidentified Accessory Uses

The Codes Department shall evaluate applications for accessory uses that are not identified in Table 4-1 on a case-by-case basis, based on the following standards:

- (a) The definition of "accessory use" in Chapter 8: Definitions, and the general accessory use standards and limitations established in Subsection 4.1.2;
- (b) The additional standards for accessory uses, if applicable, established in Subsection 4.1.6;
- (c) The purpose and intent of the base and overlay districts in which the accessory use is located;
- (d) Potential adverse impacts the accessory use or structure may have on other lots, compared with other accessory uses permitted in the district; and
- (e) The compatibility of the accessory use with other principal and accessory uses permitted in the district.

4.1.5 Procedure

Accessory uses or structures may be reviewed as part of or subsequent to the review of an associated principal use, in accordance with the following standards:

(1) In Residential Districts

Accessory structures on lots in residential districts shall be reviewed by the Codes Department and shall not be required to obtain Site Plan approval.

(2) In Nonresidential and Mixed-Use Districts

Accessory structures on lots in nonresidential and mixed-use districts shall be reviewed in accordance with the following requirements:

(a) Less than 1,000 Square Feet

Accessory structures smaller than 1,000 square feet shall be reviewed by the Codes Department and shall not be required to obtain Site Plan approval.

(b) 1,000 Square Feet or Larger

Accessory structures that are 1,000 square feet or larger shall be subject to Subsection 2.4.3, Site Plan Review.

4.1.6 Additional Standards for Certain Accessory Uses

(1) Automated Teller Machines/Kiosks

(a) Structures accommodating stand-alone automated teller machines or kiosks that are not inside or attached to a principal structure shall meet the design standards applied to the principal structure and shall use the same exterior materials, colors, and architectural style as the principal structure.

(b) Drive-up or drive-through automated teller machines shall be prohibited in Special Areas 1, 2, and 3 of the CFCO District unless they are located internal to the block and do not result in stacking of vehicles in a public right-of-way.

(2) Canopies

(a) Canopies shall be attached to a principal structure and shall not be freestanding or attached to an accessory structure unless located to the rear of the principal structure and do not result in the stacking of vehicles in a public right-of-way.

(b) Canopies covering a drive-through shall use a similar roof form, pitch, and materials in order to appear as an extension of the roof covering the principal structure.

(c) Canopies shall have a maximum height of 15 feet measured from the finished grade to the underside of the canopy.

(d) The design of the canopy, including any columns, shall match the design and exterior building materials of the principal building.

(e) Canopies covering fuel pumps shall not include signage or advertising.

(f) In addition to meeting the standards in Section 5.11, Exterior Lighting, canopies shall not be internally illuminated, and any exterior lighting associated with a canopy shall be shielded so that the source of illumination is not visible from off-site areas.

(3) Communication Towers and Antennas

Communication towers and antennas serving as accessory uses shall be subject to the review procedures and use-specific standards for such uses in Subsection 3.2.10, Telecommunication Towers.

(4) Fences and Walls

Fences and walls shall comply with the standards in Section 5.6, Fences and Walls.

(5) Home Occupations

A home occupation shall be permitted as accessory to a principal residential dwelling unit in accordance with the following standards:

(a) Prohibited Uses

Examples of the types of uses that provide on-site direct retail or wholesale sales to customers that are prohibited as home occupations include, but are not limited to:

- (i) Barbershop;
- (ii) Beauty shop;
- (iii) Gift shop;
- (iv) Gun sales; and
- (v) Florist shop.

(b) Allowable Uses

Examples of the types of uses allowable as a home occupation include, but are not limited to:

- (i) Accountant;
- (ii) Architect;
- (iii) Artist;
- (iv) Author;
- (v) Contractor;
- (vi) Designer;
- (vii) Draftsman;
- (viii) Engineer;
- (ix) Graphic Artist;
- (x) Information Processing;
- (xi) Insurance Agent;
- (xii) Lawyer;
- (xiii) Management and Financial Consultant;
- (xiv) Manufacturer's Representative;
- (xv) Planner;
- (xvi) Real Estate Agent;

- (xvii) Sculptor;
- (xviii) Songwriter;
- (xix) Teacher, including, but not limited to, tutoring in art, dance, and music lessons; and
- (xx) Traveling Salesperson.

(c) Standards

Home occupations shall:

- (i) Receive approval from the Codes Department prior to commencement;
- (ii) Be located entirely within the principal structure and not exceed 25 percent of the total floor area of the principal structure;
- (iii) Be owned and operated by the person residing in the principal structure;
- (iv) Employ no more than one person who does not reside on the premises;
- (v) Not consist of storage for another agricultural or nonresidential business occurring elsewhere;
- (vi) Not provide instruction to more than one pupil at a time;
- (vii) Not store material, equipment, or other articles associated with the home occupation outside the primary structure or in a location visible from a public street;
- (viii) Not create traffic or parking congestion, noise, vibration, odor, glare, fumes, or electrical or communications interference that can be detected by the normal senses off the premises, including visual or audible interference with radio or television reception;
- (ix) Cause no change in the external appearance of the existing dwelling or other structures on the premises;
- (x) Not include more than one vehicle not customarily found in a residential district parked on the premises overnight;
- (xi) Not include signs or other means of advertising on the property.

(6) Indoor Food Sales

Indoor food sales occurring as an accessory use shall comply with the following standards:

(a) Size

The square footage used by food sales operations, including preparation, sales, and storage, but not including dining, shall not exceed 30 percent of the principal use.

(b) Location

To the maximum extent practicable, food sales areas shall be internal to the principal use they serve.

(c) Entrances

Entrance to the food sales area shall be via the principal use it serves and shall not have dedicated off-street parking areas or signage.

(7) Outdoor Sales/Storage Areas

Except where exempted by Subsection 4.1.6(9)(a), storage shall be located inside a building and shall comply with the following standards:

(a) Exemptions

The following forms of outdoor storage shall be located outside of a building, and are not required to be fully covered or screened:

- (i)** Outdoor sales areas pursuant to Subsection 4.1.6(9)(f);
- (ii)** Vehicles or farm equipment for sale or lease; and
- (iii)** The storage of live vegetation provided the location and extent of the area used for such storage is indicated on the Site Plan.

(b) Location

- (i)** Except where exempted by Subsection 4.1.6(9)(a), or within the LI or HI Districts, storage shall be located inside of a building or fully covered by a canopy, shed, awning, or similar structure.
- (ii)** Outdoor storage areas shall be prohibited in front yards, required parking spaces, fire lanes, traffic aisles, or areas intended for pedestrian circulation.
- (iii)** Except for vehicles or farm equipment for sale or leased, and outdoor storage associated with a self-storage use, outdoor storage activities shall not take place within required setbacks.

(c) Screening Required

Except where exempted by Subsection 4.1.6(9)(a), or where located completely inside a building, outdoor storage areas shall be screened from view in accordance with Section 5.4, Landscape, Buffers, and Screening.

(d) Prohibited Storage

The following forms of outdoor storage shall be prohibited:

- (i)** Storage truck, trailer, covered container, or similar container, whether on wheels or stationary except during construction of a project;
- (ii)** Outdoor storage of trash or other debris;
- (iii)** Outdoor storage of wood or other attractive nuisances; and
- (iv)** The outdoor storage of unlicensed vehicles, whether operable or otherwise.

(e) Flammable Liquid or Gas

Flammable liquids or gases in excess of 1,000 gallons shall be stored underground.

(f) Outdoor Sales Area

Outdoor sales areas associated with retail or commercial uses, shall:

- (i) Be depicted on any required application forms or other supporting material in the format required by the Codes Department;
- (ii) Be located immediately adjacent to the front building façade;
- (iii) Be limited to no more than one-half of the length of the front building façade. In the case of a shopping center, the outdoor sales area shall be limited to a maximum of one-half of the storefront associated with the display area;
- (iv) Not encroach into areas used for ingress and egress into the structure;
- (v) Maintain a minimum pedestrian walkway of at least five feet in width along the front of the display; and
- (vi) Take place only on an improved surface such as the sidewalk or pavement.

(8) Produce Stand

A produce stand shall:

- (a) Be limited to the retail sale of agriculture and horticulture products;
- (b) Not exceed 750 square feet in area;
- (c) Provide adequate ingress, egress, and off-street parking areas; and
- (d) Be subject to the sign standards in Section 5.12, Signs.

(9) Recycling Drop-Off Stations

Recycling drop-off stations shall:

- (a) Be screened by a fence or wall in accordance with Section 5.6, Fences and Walls;
- (b) Not be located within a front yard;
- (c) Be kept free of litter, debris, and residue;
- (d) Be limited to one on-premise freestanding sign no more than four feet high and 16 square feet in area that displays the name and telephone number of a party responsible for management and maintenance of the station.
- (e) Be located no closer than 50 feet to a dwelling;
- (f) Occupy no more than 750 square feet; and
- (g) Not occupy or block access to parking spaces or parking lot aisles.

(10) Retail Sales of Goods (as part of Freight or Warehouse Use)

Retail sale of goods as part of permitted freight or warehouse uses shall:

- (a) Be conducted within the same structure housing the principal warehouse or freight use, and no outdoor retail sales activity shall be allowed;
- (b) Limit hours of operation to between 8:00 A.M. and 9:00 P.M., or to the operating hours of the principal use, whichever is more restrictive;
- (c) Include no additional advertising for the retail sales operation;
- (d) Include only sales items manufactured by the principal use or part of the principal warehouse's stock;

- (e) Be limited to either ten percent of the total gross floor area of the principal use or 5,000 square feet, whichever is less; and
- (f) Provide off-street parking in accordance with Table 5-9, Minimum Off-Street Parking Standards.

(11) Satellite Dish Antennas

Satellite dish antennas measuring one meter (39 inches) or larger in diameter that are visible from adjacent streets shall be prohibited on lots in the HPO District, and shall be:

- (a) Located to the rear of the principal building, but not within five feet of any side or rear property line or in any required landscape area, and not within ten feet of any property line adjoining a street;
- (b) Screened so that no more than 40 percent of the area of the satellite dish antenna is visible from public rights-of-way. The screen may consist of, but is not limited to, fencing, buildings, plantings, or any other opaque vegetation or structure permanently affixed to the structure; and
- (c) Erected in a secure, wind-resistant manner.

(12) Security or Caretaker Quarters

A dwelling unit for security or caretaker quarters shall:

- (a) Be limited to one such dwelling unit per allowed principal use.
- (b) Be inside the principal building (detached dwelling units or mobile homes are prohibited);
- (c) Not exceed 1,500 square feet of gross floor area;
- (d) Provide at least one off-street parking space for each bedroom, in addition to the required parking for the principal use or business.
- (e) Be occupied only by the owner, operator, caretaker, or an employee of the principal building, plus that person's immediate family.

(13) Stand-Alone Drive-Through

Stand-alone drive-through structures not attached to a principal structure shall:

- (a) Be prohibited within Special Areas 1, 2, and 3 of the CFCO District unless they are placed internal to the block and do not cause stacking of vehicles in a public right-of-way;
- (b) Be a permanent structure with a fixed foundation;
- (c) Be limited in size to 30 percent of floor area of the principal structure or 600 square feet, whichever is less;
- (d) Use the same exterior materials, colors, and building style as the principal use;
- (e) Be oriented so that stacking lanes do not extend into primary drive aisles;
- (f) Not be located in primary drive aisles, landscaping areas, required yards, or setbacks; and
- (g) Not use freestanding signs.

(14) Storage or Parking of Heavy Trucks, Trailers, or Major Recreational Equipment

(a) Intent

It is the intent of this subsection to prohibit the customary or continual parking of certain vehicles and equipment on public streets and within yards adjacent to public streets in residential neighborhoods since the presence of such vehicles runs contrary to the intended residential character of such neighborhoods. It is not the intent of these standards to prevent the occasional or temporary parking of such vehicles or equipment as necessary for the purposes of loading, unloading, or cleaning; however, the continual or customary overnight parking of such vehicles or equipment for a portion of the day followed by removal the following day is prohibited.

(b) Applicability

The standards in this subsection apply to heavy trucks with more than two axles or that exceed 20,000 pounds of gross vehicle weight, trailers with more than one axle, or major recreational equipment, including, but not limited to, boats, campers, recreational vehicles, motor homes, and travel trailers.

(c) Standards

(i) Parking on Public Right-of-Way in Residential Districts Prohibited

Heavy trucks, trailers, or major recreational equipment shall not be parked or stored on public rights-of-way in a residential district for longer than four days within a one-year period.

(ii) Yard Adjacent to Street in Residential Districts

No heavy truck, trailer, other major recreational equipment shall be parked or stored for longer than four days in any front yard or side yard immediately adjacent to a public street in a residential district.

(iii) Agricultural and Other Districts

The limitations in subsections (i) and (ii) above shall not apply to public streets or lots within the AG District.

4.2 TEMPORARY USES

4.2.1 Purpose

This section allows for the establishment of certain temporary uses of limited duration and special events, provided that such uses comply with the standards in this subsection and are discontinued upon the expiration of a set time period. Temporary uses and special events shall not involve the construction or alteration of any permanent building or structure.

4.2.2 Table of Allowed Temporary Uses and Structures

Table 4-2 summarizes allowed temporary uses and structures and any general or specific standards that apply. Temporary uses or structures not listed in the table are prohibited.

TABLE 4-2. TEMPORARY USES AND STRUCTURES			
Temporary Use or Structure	Allowable Duration (per site)	Permit Required [2]	Additional Requirements
TEMPORARY STRUCTURE			
Construction Dumpster	Until issuance of a Certificate of Occupancy	None [2]	Sec. 4.2.4(2)
Construction Trailer	Until issuance of a Certificate of Occupancy	None [2]	Sec. 4.2.4(3)
Real Estate Sales Office/Model Sales Home	Until 85% occupancy of the phase is reached	Building Permit	Sec. 4.2.4(4)
Temporary Housing	90 days per calendar year	Building Permit	Sec. 4.2.4(5)
Temporary Storage in a Portable Container	30 days over a five-year period	None [2]	Sec. 4.2.4(6)
Temporary Structure (as part of an educational facility or institutional use)	3 years (extension possible)	Building Permit	Sec. 4.2.4(7)
Tent	30 over a one-year period	None [2]	Sec. 4.2.4(1)
TEMPORARY SALE [1]			
Garage/Yard Sales	2 days per event, 8 total days per calendar year	Garage Sale Permit	Sec. 4.2.4(8)
Seasonal Agricultural Sales	120 total days per calendar year	None [2]	Sec. 4.2.4(9)
NOTES:			

TABLE 4-2: TEMPORARY USES AND STRUCTURES			
Temporary Use or Structure	Allowable Duration (per site)	Permits Required [2]	Additional Requirements
[1]	The sale of products or services from a vehicle shall be subject to the requirements for a Peddler's Permit (See Section 9-201 of the Municipal Code.) issued by the Business License Division.		
[2]	Temporary uses and structures not required to obtain a Building Permit may be required to obtain other permits from other city departments in accordance with the Franklin Municipal Code.		

4.2.3 General Standards for Temporary Uses and Structures

Temporary uses, structures, or events shall:

- (1) Obtain the appropriate permit from the Codes Department or other city agency (as required);
- (2) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
- (3) Be compatible with the principal uses taking place on the site;
- (4) Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
- (5) Not include permanent alterations to the site;
- (6) Not maintain temporary signs associated with the use of structure after the activity ends;
- (7) Not violate the applicable conditions of approval that apply to a site or use on the site;
- (8) Not interfere with the normal operations of any permanent use located on the property; and
- (9) Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement associated with the temporary use, without disturbing environmentally sensitive lands.

4.2.4 Specific Regulations for Certain Temporary Uses and Structures

(1) Tents

Except for tents used exclusively for camping purposes, tents and membrane structures having an area in excess of 200 square feet and canopies in excess of 400 square feet shall:

- (a) Obtain a permit from the Fire Marshal;
- (b) Maintain a minimum clearance of 20 feet from all other structures and tents;
- (c) Not exceed more than two tents on a single parcel that is less than 12 acres in size (the Codes Department may approve more than two tents as a part of a special event on a single parcel of 20 or more acres in size);

- (d) Not remain in place for more than a total of 30 days within a one-year period;
- (e) Be limited to a maximum of three occurrences per parcel per year;
- (f) Not be placed within required landscape areas;
- (g) Not obstruct emergency vehicle access to adjacent lots or disrupt pedestrian circulation; and
- (h) The lot or site shall be restored to its original condition within two days of removal of the tent.

(2) Construction Dumpster

- (a) The placement of a temporary construction dumpster or other trash receptacle within a public right-of-way or other site owned by the city shall be subject to the standards in the Franklin Municipal Code.
- (b) Temporary trash receptacles or dumpsters located outside public rights-of-way are not required to obtain a separate permit, but shall comply with the following standards:
 - (i) Be located to the side or the rear of the site, to the maximum extent practicable;
 - (ii) Be located as far as possible from lots containing existing development;
 - (iii) Not be located within a floodplain or otherwise obstruct drainage flow;
 - (iv) Not be placed within five feet of a fire hydrant or within a required landscaping area; and
 - (v) Be located outside of tree protection fencing and the dripline of existing trees.

(3) Construction Trailer

Construction trailers may be permitted on a construction site without Site Plan approval, provided that the trailer is:

- (a) Approved by the Codes Department;
- (b) Located on the same site or in the same development as the related construction;
- (c) Not located within a required open space set-aside or landscape area; and
- (d) Be associated with development for which a valid Building Permit has been or will be issued.

(4) Real Estate Sales Office/Model Sales Home

One temporary real estate sales office or model sales home per builder or developer shall be permitted in a section or phase of a new residential or nonresidential development, provided that the use:

- (a) Is approved by the Codes Department;
- (b) Is located on a lot approved as part of a development;

- (c) Is aesthetically compatible with the character of surrounding development in terms of exterior color, predominant exterior building materials, and landscape;
- (d) Complies with the applicable standards in the Regulating Plan (if applicable);
- (e) Is operated by a developer or builder active in the same phase or section where the use is located; and
- (f) Is removed or the model home is converted into a permanent residential use once 85 percent occupancy in the section or phase of the development is reached.

(5) Temporary Housing

Temporary housing, in the form of a mobile or modular home, may be placed upon a site previously occupied by a detached dwelling without obtaining Site Plan approval provided that:

- (a) The detached dwelling is destroyed or rendered uninhabitable;
- (b) The method of temporary housing is approved by the Codes Department;
- (c) The temporary housing is located in accordance with the minimum setbacks and required yards to the maximum extent practicable;
- (d) The temporary housing remains in place for three months or less; and
- (e) The duration of placement may be extended for an additional three-month period only by approval of the Codes Department.

(6) Temporary Storage in a Portable Shipping Container

Temporary storage in a portable shipping container shall be permitted to serve an existing use, subject to the following standards. A portable shipping container shall not be located:

- (a) On a lot without prior approval from the Codes Department.
- (b) In the front yard;
- (c) Within ten feet of any lot line or structure;
- (d) In a manner that impedes ingress, egress, or emergency access; and
- (e) On an individual parcel or site for more than 30 total days over any five-year period.

(7) Temporary Structures (as part of Institutional Uses)

Temporary structures serving institutional uses shall comply with the following standards:

(a) Location

- (i) Be located to the side or rear of the principal structure(s) and at least five feet from any other structure.
- (ii) Be permitted within the building envelope but not within required off-street parking, open space set-aside, or required landscaping areas.

(b) Standards

- (i) Use under skirting or other methods to prevent unauthorized access underneath the structure(s).
- (ii) Incorporate evergreen shrubs planted around the base of the structure, each located at least five feet on-center, when visible from other developed lots or public rights-of-way.
- (iii) Comply with the parking standards for the corresponding use type in Table 5-9, Minimum Off-Street Parking Standards.
- (iv) Not be required to be compatible with the existing principal structure exterior colors or materials.

(c) Approval and Duration

- (i) This use is permitted if approved by the Codes Department, and may remain on the site for no more than three years. This three-year period may be renewed for up to two additional one-year periods, for good cause shown, upon approval of a written request, submitted to the Codes Department at least 30 days prior to the expiration of the permit. In no event, however, shall such extensions allow the temporary structure to remain on the site for more than five years.
- (ii) Following removal of a temporary structure, the area shall be restored to its original condition, including required trees and shrubs, unless the area is intended to accommodate new construction.

(d) Performance Agreement

- (i) A Performance Agreement may be required pursuant to Chapter 6, Performance Agreements, for any required screening or to guarantee that the site is restored to its original condition.

(8) Garage/Yard Sales

- (a) Garage or yard sales shall not be required to obtain Site Plan approval, but shall obtain the appropriate permit from the city recorder's office, and shall:
 - (i) Be limited to a maximum of four per dwelling per year. Members of more than one dwelling may join in obtaining a permit for a sale to be conducted at the dwelling of one of the persons indicated on the permit.
 - (ii) Not exceed a maximum duration of two consecutive days per sale;
 - (iii) Occur only between the hours of 7:00 A.M. and 9:00 P.M.;
 - (iv) Post the permit in a location that is visible from the public right-of-way during the sale;
 - (v) Not take place on lots beyond the property(ies) specified in the permit;
 - (vi) Not place signs or other advertising within the public right-of-way or impede the passage of traffic on streets in the area of the sale;
 - (vii) Conduct vehicle parking in accordance with the standards in this ordinance and any other applicable city requirements;
 - (viii) Not negatively affect neighboring properties in terms of noise, trash, parking, or impede the flow of traffic on nearby streets;

- (ix) Not permit loud or boisterous conduct on the premises; and
- (x) Not allow unsold items or other sale-related materials to remain in public view following conclusion of the sale (trash must be placed in receptacles in accordance with solid waste regulations).
- (b) The applicant to whom a permit is issued, and the owner or tenant of the premises on which a sale is conducted, shall be jointly and severally responsible for the maintenance of good order and decorum on the premises during the hours of the sale.
- (c) A police officer or other city official responsible for enforcing this or other city ordinances shall have the right of entry onto the premises showing evidence of a sale for the purpose of enforcement or inspection and may close the premises from the sale or arrest any individual who violates the provisions of this ordinance.
- (d) The police department may enforce temporary controls in order to alleviate special hazards and/or congestion created by a sale.
- (e) Failure to observe these standards can result in revocation of the permit and the inability to obtain a subsequent permit for a period of up to two years.
- (f) If a sale is not held on the dates for which the permit is issued, or is terminated during the first day of the sale because of inclement weather conditions, and a statement by the permit holder to this effect is submitted, then the City Recorder may issue another permit to the applicant for a sale to be conducted at the same location within 30 days from the date when the first sale was to be held, with no additional permit fee.
- (g) The sale of goods by a lawfully established business or as part of an order from a court of competent jurisdiction shall be exempt from this subsection.

(9) Seasonal Agricultural Sales

Seasonal agricultural sales, including the sale of such items as Christmas trees, pumpkins, seasonal produce, and similar agricultural products, may be permitted in accordance with the following standards:

(a) Location

- (i) The property contains an area not actively used that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing vegetated areas, open space, landscaping, traffic movements, or parking-space availability.
- (ii) The sale of goods shall not occur within the public right-of-way or within 200 feet of a dwelling.
- (iii) A minimum pedestrian walkway of at least five feet in width along the front of the display shall be maintained.

(b) Range of Goods Limited

The range of goods or products available for sale shall be limited to products obtained primarily through farming or agricultural activities, including, but not necessarily limited to: pumpkins; grains and seed crops; fruits of all kinds; vegetables; nursery, floral, ornamental, and greenhouse products; trees and forest products, including Christmas trees, firewood, and pinestraw; bees and beekeeping products; seafood; and dairy products. For the purposes of this subsection, processed or prepared food products of any kind shall not be considered to be agricultural products.

(c) Sales From a Vehicle

Sale of products that do not involve the display or short-term storage of products on site for a period of two days or longer or which are accomplished solely from a vehicle, shall not be considered to be seasonal agricultural sales. Such vehicular-based sales shall be subject to the requirements associated with a peddler's permit.

(d) Hours of Operation

The hours of operation of the seasonal sale of agricultural products shall be from no earlier than 7:00 A.M. to no later than 9:00 P.M., or the same hours of operation as a principal use on the same lot, whichever is more restrictive.

(e) Duration

Seasonal sales shall be allowed on an individual lot for no more than 120 days per calendar year.