



**AN ORDINANCE OF THE JACKSON COUNTY BOARD OF COMMISSIONERS
ESTABLISHING FARMERS MARKETS AS A TEMPORARY USE IN THE CASHIERS
COMMERCIAL DISTRICT AREA**

Adopted _____, 2010

WHEREAS, farmers markets help farmers stay in business and help to preserve natural resources; and

WHEREAS, the preservation of farmland is important for the health of the natural environment and water supply; and

WHEREAS, farmers markets help maintain important social ties, linking rural and urban populations in a mutually-rewarding exchange; and

WHEREAS, the Cashiers Area Community Planning Council and the Jackson County Planning Board have both recommended that the Board of Commissioners enact this Ordinance; and

WHEREAS, this Board of Commissioners finds that this Ordinance is consistent with the 2006 Jackson County Land Development Plan wherein one of the goals is to support efforts to preserve the county's rural character while protecting private property rights; and

WHEREAS, this Board of Commissioners finds that this Ordinance furthers the public health, safety and welfare for the reasons stated in this preamble.

THE FOLLOWING IS HEREBY ORDAINED by the Jackson County Board of Commissioners:

Section One. This Ordinance is enacted pursuant to authority delegated in Article 18 of N.C.G.S. Chapter 153A.

Section Two. Paragraph b of Section 4-3 of Appendix A of the Jackson County Code, concerning temporary uses allowed in the Cashiers Commercial District Area, is hereby amended by adding a new subparagraph (6) to read as follows:

- (6) Seasonal farmers markets in which local products are offered for sale and which convene not more than twice per week during the growing season (May 1st thru October 31st). For the purposes of this ordinance a farmers market is defined as a public market at which local farmers (farmers of Jackson County and all counties adjoining Jackson County (Swain Transylvania; Macon; and Oconee, SC Counties) can sell their produce directly to consumers.

Goods that may be sold are as follows:

1. Any vegetable grown by the vendor from seeds, sets, or seedlings..
2. Any fruit, nuts, or berries grown by the vendor from trees, bushes, or vines on the vendors' farm.
3. Any plant grown by the vendor from seed, seedling, transplant or cutting.
4. Bulbs propagated by the vendor.
5. Eggs produced by the vendor's poultry.
6. Honey produced by the vendor's bees.
7. Baked goods made by the vendor. All baked goods must be wrapped.
8. Preserves, relishes, jams, jellies, etc. made by the vendor from products grown by the vendor. Canned foods cannot be sold.
9. Fresh cut or dried flowers grown by the vendor.
10. Fish, meat, cheese, and dairy products from animals raised on the vendor's premises.

All products sold must meet state and federal regulations

The remaining subparagraphs of Section 4-3 are renumbered accordingly.

Section Three. If any article, section, subsection, clause, phrase, or portion of this Ordinance is for any reason found invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section Four. The enactment of this ordinance shall in no way affect the running of any amortization provisions or enforcement actions, or otherwise cure any existing land use violations.

Section Five. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section Six. This ordinance shall be in full force and effect from and after the date of its adoption.

Adopted this the _____ day of _____, 2010.

Brian Thomas McMahan, Chairman

ATTEST:

Clerk to Board of Commissioners