ZONING ORDINANCE TEXT AMENDMENT APPLICATION

CITY OF CHARLOTTE

Revised 5-24-05

FY2005 Petition #: 2005-068
1 etition # <u>2003-008</u>
Date Filed:
D : 1D
Received By:
Office Use Only

Section #:	12.519	Outdoor Seasonal Sales	
	12.539	Outdoors Seasonal Fresh Produce Stands	

Revised on 4-24-05 in response to the comments of Planning and Zoning staff in letter dated 4-15-05 (changes in **bold face**).

Further revised on 5-24-05 based on comments received during and after the hearing before City Council (changes in bold face).

Purpose of Change:

Because outdoors seasonal fresh produce stands encourage greater consumption of fruits and vegetables, thereby improving the quality of life in the communities within the city and contributing to the nutritional health of the people of Charlotte, we ask that they be treated as a special case in the Charlotte Zoning Code. Regulations for these activities should be specific. Furthermore, the 90-day limit at a site, which is associated with "temporary use," should be expanded to 180 days (April 15 to October 15) for outdoors seasonal fresh produce stands that conform to appropriate trailer-mounted design standards.

This amendment, only concerning nonresidential property, is very limited in its scope. For nonresidential property, it pulls Outdoors Seasonal Fresh Produce Stands (new 12.536) out of the broader zoning category of Outdoor Seasonal Sales (existing 12.519) so that modest-sized Outdoors Seasonal Fresh Produce Stands may be located in specified non-residential districts from **April 15 through October 15**, with appropriate restrictions that are designed to regulate such unique and popular community enterprises. The Charlotte residential community has grown so large that few citizens can take the time and expense of driving to the Farmer's Market. However, they will greatly enjoy an expanded opportunity to drive to a nearby Outdoors Seasonal Fresh Produce Stand.

The petitioner, David H. White, operated an Outdoors Seasonal Fresh Produce Stand at Providence Road and Ballantyne Commons Parkway during 2003 and 2004 and found the Providence Community most appreciative of the convenient access to the produce he offered, much of it locally grown. He **has opened** at the same site for the 2005 season.

The current applicable Zoning ordinance (12.519) requires the operator of an Outdoors Seasonal Fresh Produce Stand, at mid-season, to shut down or to relocate his stand and encourage his customers to follow him to the new location. Why? Because the Fresh Produce season is from **April 15 to October 15** (6 months —strawberries to mountain apples) and section 12.519 limits occupancy at one site to only 3 months. Therefore it imposes the mid-season relocation. The proposed amendment would remove this need to relocate in mid-season.

Approval of this petition is encouraged.

		David H. White	Howard R. White
Name of Agent		Name of Petitioner(s)	
		12715 James Blakeney Ave.	Lancelot Drive
Agent's Address		Address of Petitioner(s)	
		Charlotte, NC 28277	Charlotte, NC 28270
City, State, Zip		City, State, Zip	
		704-309-5008	704-846-4411
Telephone Number	Fax Number	Telephone Number(s)	
		hwhite4@carolina.rr.com_	
		E-Mail Address	
		on file	
Signature of Agent		Signature (s)	