

Petition No. 2010-080
Petitioner: Charlotte-Mecklenburg Planning Commission

MAY 14 2012

**AN ORDINANCE AMENDING APPENDIX A
OF THE CITY CODE –ZONING ORDINANCE**

ORDINANCE NO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHARLOTTE:

Section 1. Appendix A, "Zoning" of the Code of the City of Charlotte is hereby amended as follows:

A. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 5: SPECIAL REQUIREMENTS FOR CERTAIN USES

- a. Modify Section 12.539, "Outdoor Seasonal Fresh Produce Stands", which adds requirements to allow Outdoor Fresh Produce Stands as an accessory use in residential, office, and institutional districts and as a use with prescribed conditions in other zoning districts. The revised text shall read as follows:

Section 12.539. Outdoor Fresh Produce Stands

Because outdoor 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, they are treated as a special case in the Charlotte Zoning Code. Regulations for these activities are specific.

Outdoor fresh produce vendor(s) may sell all types of fresh produce, including but not limited to tomatoes, squash, corn, cucumbers, beans, berries, melons, apples, pears, peaches, citrus fruit, root vegetables, green vegetables, pie pumpkins, nuts, fresh herbs, or other fruits or vegetables. In addition to fresh produce, up to 10% of the total sales area may be used to sell fruit or vegetable derived products. Outdoor fresh produce stands are not intended to include the sale of Christmas trees, Halloween pumpkins, plants or flowers, which are regulated in Section 12.519. Outdoor fresh produce stands shall be permitted in all districts subject to the following prescribed conditions:

- (1) Each vendor selling fresh produce must obtain zoning permit(s) for the outdoor fresh produce stand(s) and any associated canopies or tents from the Zoning Administrator or designee. The permit for an outdoor fresh produce stand shall be valid from January 1 to December 31, unless a shorter duration is noted.
- (2) Residential Districts: The use shall only be allowed in residential districts as an accessory use to a religious institution, school, university, college, or hospital located on a lot abutting a major thoroughfare, not to exceed 750 square feet of the lot area for all stand(s). The lot must be a legal conforming lot that is in compliance with all zoning regulations.
- (3) Office and Institutional Districts: The use shall be allowed in institutional and office zoning districts as an accessory use to a religious institution, school, university, college, hospital or to an office use, not to exceed 1500 square feet of the lot for all stand(s). The lot must be a legal conforming lot that is in compliance with all zoning regulations.
- (4) All Other Districts: The use shall be allowed only on lot occupied by another non-residential use, and shall not exceed 1500 square feet of the lot for all stand(s). The lot must be a legal conforming lot that is in compliance with all zoning regulations.
- (5) The owner of the property, if not the same as the outdoor fresh produce stand vendor(s), shall give written permission to each vendor.
- (6) Outdoor seasonal fresh product stands may operate all year.
- (7) Five off-street parking spaces shall be provided for all outdoor fresh produce stand(s) on the same parcel. Shared parking agreements are permitted, as per Section 12.203.
- (8) In the residential, office, or institutional zoning districts, no buildings are permitted in association with fresh produce stands.
- (9) Hours of operation shall be from one-half hour after sunrise to one-half hour after sunset.
- (10) Signage is only allowed on the stand. One identification sign not exceeding 15 square feet may be attached to the produce stand. This sign may remain in place throughout the sales season. No detached signs are allowed.
- (11) The setback for all sale items and parking shall be the minimum setback approved on a conditional site plan, or the setback of the district if there is not an approved site plan, but not less than 20 feet from the right-of-way.

- (12) In all zoning districts, temporary fabric-covered canopies or tents are permitted, if removed daily.
- (13) A zoning use placard must be posted in a visible location on the produce stand, while in use.
- (14) The produce stand vendor is responsible for the removal of all trash and spoiled product on a daily basis, and, at the conclusion of the season or termination of the permit, the operator must remove all vestige of the operation, including, but not limited to, canopies, tents, tables, counters, coolers, trailers and signs.
- (15) Outdoor Fresh Produce Stand(s) or Periodic Retail Sales Event (either off-premise or on-premise), or Outdoor Seasonal Sales event may not occupy the same lot at the same time. Any change of use of the property requires a new permit, and any previous permit(s) become null and void.
- (16) All other applicable Federal, State and Local Codes shall be met for the use and items sold.

B CHAPTER 9: GENERAL DISTRICTS

1. PART 1: TABLE OF USES AND HIERARCHY OF DISTRICTS

- a. Amend Table 9.101, “Table of Uses” by adding “Outdoor Fresh Produce Stands” as a permitted use with prescribed conditions in all zoning districts, under the “Other Uses” category. The revised table insertion shall read as follows:

Other Uses:									
	R-3	R-4	R-5	R-6	R-8	R-8MF	R-12MF	R-17MF	R-22MF
Outdoor Fresh Produce Stands	PC	PC	PC	PC	PC	PC	PC	PC	PC

Other Uses:									
	R-43MF	UR-1	UR-2	UR-3	UR-C	MX-1	MX-2	MX-3	INST
Outdoor Fresh Produce Stands	PC	PC	PC	PC	PC	PC	PC	PC	PC

Other Uses:												
	O-1	O-2	O-3	RE-1	RE-2	RE-3	B-1	B-2	BD	BP	CC	NS
Outdoor Fresh Produce Stands	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC	PC

Other Uses:								
	MUDD	UMUD	UI	I-1	I-2	TOD-M	TOD-R	TOD-E
Outdoor Fresh Produce Stands	PC	PC	PC	PC	PC	PC	PC	PC

- b. Amend Table 9.101, “Table of Uses” by removing Outdoor Seasonal Fresh Produce Stands from allowed uses under prescribed conditions.

	B-1	B-2	UR-C	CC

2. PART 2: SINGLE FAMILY DISTRICTS

- a. Amend Section 9.203, “Uses permitted under prescribed conditions”, to add outdoor fresh produce stand as a permitted use with prescribed conditions, in alphabetical order, as a new item “12.1”. The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.203. Uses permitted under prescribed conditions.

(12.1) Outdoor Fresh Produce Stands, subject to the regulations of Section 12.539.

C. CHAPTER 9: GENERAL DISTRICTS

1. PART 3: MULTI-FAMILY DISTRICTS

- a. Amend Section 9.303, “Uses permitted under prescribed conditions”, to add outdoor fresh produce stands as a permitted use with prescribed conditions, in alphabetical order as a new item “17.1”. The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.303. Uses permitted under prescribed conditions.

(17.1) Outdoor Fresh Produce Stands, subject to the regulations of Section 12.539.

2. PART 4: URBAN RESIDENTIAL DISTRICTS

- a. Amend Section 9.404, “Uses permitted under prescribed conditions”, by deleting the term “seasonal” from “Outdoor Seasonal Fresh Produce Stands”, and deleting the restriction that the use shall only be permitted in the UR-C zoning district. The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.404. Uses permitted under prescribed conditions.

(3.1) Outdoor Fresh Produce Stands, subject to the regulations of Section 12.539.

3. PART 5: INSTITUTIONAL DISTRICTS

- a. Amend Section 9.503, “Uses permitted under prescribed conditions”, to add outdoor fresh produce stands as a permitted use with prescribed conditions, in alphabetical order as a new item “13.1”. The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.503. Uses permitted under prescribed conditions.

(13.1) Outdoor Fresh Produce Stands, subject to the regulations of Section 12.539.

4. PART 6: RESEARCH DISTRICTS

- a. Amend Section 9.603, “Uses permitted under prescribed conditions”, by deleting the term “RESERVED” from use (14) and replacing it with “Outdoor fresh produce stands” as a permitted use with prescribed conditions. The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.603. Uses permitted under prescribed conditions.

(14) Outdoor fresh produce stands, subject to the regulations of Section 12.539.

5. PART 7: OFFICE DISTRICTS

- a. Amend Section 9.703, “Uses permitted under prescribed conditions”, to add outdoor fresh produce stands as a permitted use with prescribed conditions, in alphabetical order as a new item “20.2”. The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.703. Uses permitted under prescribed conditions.

(20.2) Outdoor Fresh Produce Stands, subject to the regulations of Section 12.539.

6. PART 8: BUSINESS DISTRICTS

- a. Amend Section 9.803, “Uses permitted under prescribed conditions”, by deleting the term “Seasonal” from “Outdoor Seasonal Fresh Produce Stands”, and removing the restriction to allow the use only in the B-1 and B-2 zoning districts. The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.803. Uses permitted under prescribed conditions.

(26.1) Outdoor Fresh Produce Stands, subject to the regulations of Section 12.539.

7. PART 8.5: MIXED USE DEVELOPMENT DISTRICTS

- a. Amend Section 9.8503, “Uses permitted under prescribed conditions”, to add outdoor fresh produce stands as a permitted use with prescribed conditions, in alphabetical order as a new item. The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.8503. Uses permitted under prescribed conditions.

Outdoor Fresh Produce Stands, subject to the regulations of Section 12.539.

8. PART 9: UPTOWN MIXED USE DEVELOPMENT DISTRICTS

- a. Amend Section 9.903, “Uses permitted under prescribed conditions”, to add outdoor fresh produce stands as a permitted use with prescribed conditions, in alphabetical order as a new item “14.4”. The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.903. Uses permitted under prescribed conditions.

(14.4) Outdoor Fresh Produce Stands, subject to the regulations of Section 12.539.

9. PART 10: URBAN INDUSTRIAL DISTRICT

- a. Amend Section 9.1003, “Uses permitted under prescribed conditions”, to add outdoor fresh produce stands as a permitted use with prescribed conditions, in alphabetical order as a new item “6.01”. The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.1003. Uses permitted under prescribed conditions.

(6.01) Outdoor Fresh Produce Stands, subject to the regulations of Section 12.539.

10. PART 11: INDUSTRIAL DISTRICTS

- a. Amend Section 9.1103, “Uses permitted under prescribed conditions”, to add outdoor fresh produce stands as a permitted use with prescribed conditions, in alphabetical order as a new item “35.1”. The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.1103. Uses permitted under prescribed conditions.

(35.1) Outdoor Fresh Produce Stands, subject to the regulations of Section 12.539.

11. PART 12: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

- a. Amend Section 9.1206, “Uses permitted under prescribed conditions”, to add outdoor fresh produce stands as a permitted use with prescribed conditions, in

alphabetical order as a new item “7.1”. The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.1206. Uses permitted under prescribed conditions.

(7.1) Outdoor Fresh Produce Stands, subject to the regulations of Section 12.539.

D. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

1. PART 2: MIXED-USE DISTRICTS

- a. Amend Section 11.203, “Uses permitted under prescribed conditions”, to add outdoor fresh produce stands as a permitted use with prescribed conditions, in alphabetical order as a new item “12.1”. The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 11.203. Uses permitted under prescribed conditions.

(12.1) Outdoor Fresh Produce Stands, subject to the regulations of Section 12.539.

2. PART 4: COMMERCIAL CENTER DISTRICT

- a. Amend Section 11.403, “Uses permitted under prescribed conditions”, by deleting the term, “seasonal” from “outdoor seasonal fresh produce stands” and updating the section reference to Section 12.539. The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 11.403. Uses permitted under prescribed conditions.

(8.1) Outdoor Fresh Produce Stands, subject to the regulations of Section 12.539.

3. PART 7: RE-3 RESEARCH DISTRICT

- a. Amend Section 11.703, “Uses permitted under prescribed conditions”, to replace the term “RESERVED” in item (14) with “Outdoor fresh produce stands”. The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 11.703. Uses permitted under prescribed conditions.

(14) Outdoor Fresh Produce Stands, subject to the regulations of Section 12.539.

Section 2. That this ordinance shall become effective upon its adoption.

Approved as to form:

St. Proz. Carolyn D. Johnson
City Attorney

I, _____, City Clerk of the City of Charlotte, North Carolina, DO
HEREBY CERTIFY that the foregoing is a true and exact copy of an Ordinance adopted
by the City Council of the City of Charlotte, North Carolina, in regular session convened
on the 14th day of May, 2012, the reference having been made in Minute Book _____, and
recorded in full in Ordinance Book _____, Page(s)_____.

WITNESS my hand and the corporate seal of the City of Charlotte, North Carolina, this
____ day of _____, 2012.
