

Petition No. 2012-083
Petitioner: Charlotte-Mecklenburg Planning Department

OCT 15 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. Clarify Section 12.539, "Outdoor Seasonal Fresh Produce Stands", by revising the text to include a reference to outdoor fresh produce stands when they are a principal use. 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.

As a principal use, outdoor fresh produce stands are allowed in all zoning districts except residential, office and institutional zoning districts. As a principal use, outdoor fresh produce stands located in a permanent structure are subject to the standards of the underlying zoning district and the regulations of Chapter 4, "Development Approval".

However, if a permanent structure(s) is not utilized, then the following prescribed conditions shall be met.

- (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) The owner of the property, if not the same as the outdoor fresh produce stand vendor(s), shall give written permission to each vendor.
- (3) Outdoor seasonal fresh produce stands may operate all year.
- (4) A zoning use placard must be posted in a visible location on the produce stand, while in use.
- (5) Temporary fabric-covered canopies or tents are permitted, if removed daily
- (6) 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.
- (7) All other applicable Federal, State and Local Codes shall be met for the use and items sold.

As an accessory use, outdoor fresh produce stands are allowed in all zoning 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.

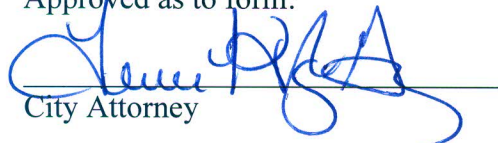
- (4) All Other Districts: The use shall be allowed only on lot occupied by another non-residential use, and shall not exceed 1500 square feet of the lot for all stand(s). The lot must be a legal conforming lot that is in compliance with all zoning regulations.
- (5) The owner of the property, if not the same as the outdoor fresh produce stand vendor(s), shall give written permission to each vendor.
- (6) Outdoor seasonal fresh produce 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 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.

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

Approved as to form:


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 15th day of October 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.