

**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. Amend Section 12.519, "Outdoor Seasonal Sales", subsection (1) to change the department that issues the permit from Engineering and Property Management to Neighborhood Development. The remainder of the section shall remain unchanged. The revised subsection (1) shall read as follows:

Section 12.519. Outdoors Seasonal Sales.

Outdoors seasonal sales are temporary uses, which include but are not limited to Christmas tree sales, pumpkin sales, plant sales, fresh produce sales (Outdoors Seasonal Fresh Produce Stands are not considered to be Outdoor Seasonal Sales, nor an Outside Open Market), and similar uses. Outdoors seasonal sales are not intended to include the sale of manufactured items such as furniture, bedding, automobile parts, or household goods. Such sales are permitted in all nonresidential zoning districts as a use by right subject to the standards of the underlying zoning district. Outdoors seasonal sales shall be permitted in all residential districts subject to the following conditions.

- (1) Any operator of a seasonal sales use must receive a permit from Neighborhood Development, which describes the type of sales involved, and the duration of the sales operation.
- (2) Such sales shall not operate more than a total of 90 consecutive days per calendar year.
- (3) The use may only be located on a vacant lot or on a lot occupied by a nonresidential use such as a

church or school. The use shall not operate as an accessory to a principal residential use on a lot. In addition, the use shall not be located on a lot, which adjoins a residential use unless the lot is located on a major thoroughfare.

- (4) The use shall be located on a Class III, III-C, or IV street.
- (5) The construction of a permanent building is not permitted.
- (6) Any signage, which identifies the use, shall be in accordance with the underlying zoning district.
- (7) Five off-street parking spaces shall be provided for the use.
- (8) The use, including all sale items, parking and maneuvering shall observe a setback of 15 feet and sale items shall not be located in the sight distance triangle.
- (9) The operator is responsible for the removal of any vestige upon cessation of the seasonal sale including signage.
- (10) There shall be no more than one Periodic Retail Sales Event (either off-premise or on-premise), or one Outdoor Seasonal Sales permit issued at any one time on a tax parcel.

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 ____ day of ____, 2007, 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 _____, 2007.
