
REQUEST	Text amendment to Sections 9.101, 9.203, 9.303, 9.404, 9.503, 9.603, 9.703, 9.803, 9.8503, 9.903, 9.1003, 9.1103, 9.1206, 11.203, 11.403, 11.703, and 12.539 of the Zoning Ordinance.
SUMMARY OF PETITION	The petition proposes to: <ol style="list-style-type: none">1) modify the name of “outdoor seasonal fresh produce” to “outdoor fresh produce stands”;2) expand the number of zoning districts in which outdoor fresh produce stands are permitted with prescribed conditions; and3) modify the prescribed conditions for outdoor fresh produce stands.
STAFF RECOMMENDATION	Staff recommends approval of this petition. The petition is consistent with adopted policies.
PETITIONER AGENT/REPRESENTATIVE	Charlotte-Mecklenburg Planning Commission Charlotte-Mecklenburg Planning Department
COMMUNITY MEETING	Meeting is not required.

PLANNING STAFF REVIEW

- **Background**
 - A public hearing for this text amendment was held January 18, 2011. Based on concerns raised at the meeting, this text amendment has been revised by staff. Staff worked with several citizens and interested parties to revise the language.
 - On April 27, 2011, the Zoning Committee voted unanimously to recommend a new public hearing, based upon the fact that the modifications were considered substantial. City Council directed staff on May 16, 2011 to hold a new public hearing on June 20, 2011.
 - Current regulations for “outdoor seasonal fresh produce stands” include:
 - Allowed in UR-C, B-1, B-2 and CC zoning districts.
 - Permitted as an accessory use, located on a lot occupied by another non-residential use.
 - Required to meet design standards.
 - Limited to 360 square feet.
 - Must provide five off-street parking spaces.
 - Hours of operation shall be from one half hour after sunrise to one half hour after sunset.
 - Can only operate for 180 days at a time on one site, from April 1 to October 15.
- **Proposed Request Details**

The text amendment contains the following provisions:

 - Allows fresh produce stands in all zoning districts as follows:
 - Residential districts:
 - Only allowed as an accessory use to an institutional use located on the same lot, and the lot must abut a major thoroughfare.
 - All outdoor fresh produce stands on a lot shall not exceed 750 square feet of the total lot area.
 - Must meet prescribed conditions.
 - Office and institutional districts:
 - Only allowed as an accessory use to an institution or office use located on the same lot.
 - All outdoor fresh produce stands on a lot shall not exceed 1500 square feet of the total lot.
 - Must meet prescribed conditions.

- All other districts:
 - All outdoor fresh produce stands shall not exceed 1500 square feet of the lot.
- Prescribed conditions for outdoor fresh produce stands in all districts include:
 - A zoning permit, valid from January 1 to December 31, unless a shorter duration is requested.
 - If the fresh produce stand is inactive or discontinued for more than 14 days, the permit shall expire and a new permit is required.
 - The fresh produce stand(s) must be located on a lot occupied by another non-residential use, and the lot must be a legal conforming lot that is in compliance with all zoning regulations.
 - The property owner's written permission to operate on the site.
 - No buildings are permitted in association with the use in residential, office, or institutional districts.
 - In all zoning districts, except residential, office, or institutional, if a structure is utilized, it is limited to a stand mounted on a licensed and road worthy trailer that meets the following standards:
 - Open on two or more sides.
 - Consistent with the design and architecture of surrounding structures.
 - The stand portion shall consist of a finished wooden structure, with a pitched roof, built on a steel trailer with wheels and axles remaining in place.
 - Finished wooden display counters and skirting materials shall be provided.
 - The license plate shall remain visible at all times.
 - A folding or removable awning may be added to the structure.
 - The towing hitch and tongue shall be covered or removed when on-site.
 - Hours of operation shall be one-half hour after sunrise to one-half hour after sunset.
 - Five off-street-street parking spaces shall be provided for all outdoor fresh produce stand(s) on the same parcel.
 - One identification sign not to exceed 15 square feet may be attached to the produce stand. No detached signs are permitted.
 - Setback for all sale items and parking shall be the setback of the district, but not less than 20 feet from the right-of-way.
 - A fabric covered canopy or tent may be utilized, but requires a separate, temporary permit valid for up to 90 days.
 - Only one of the following uses or events shall occur on the same lot at the same time: outdoor fresh produce stand(s), or periodic retail sales events (either off-premise, or on-premise) or outdoor seasonal sales event.
 - The produce stand operator is responsible for removal of all trash and spoiled product on a daily basis and at the conclusion of the season, or termination of the permit.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No issues.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Charlotte Department of Transportation:** No issues.
 - **Vehicle Trip Generation:** Not applicable.
 - **Connectivity:** Not applicable.
 - **Charlotte Fire Department:** No issues.
 - **Charlotte-Mecklenburg Schools:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
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ENVIRONMENTALLY SENSITIVE SITE DESIGN (see full department reports online)

- **Site Design:**
 - There is no site plan associated with this text amendment.

OUTSTANDING ISSUES

- No issues.
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Attachments Online at www.rezoning.org

- Application
- Charlotte Area Transit System Review
- Charlotte Department of Neighborhood & Business Services Review
- Charlotte Department of Transportation Review
- Charlotte Fire Department Review
- Charlotte-Mecklenburg Storm Water Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review

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