

**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 2: DEFINITIONS

1. PART 2: DEFINITIONS

- a. Amend Section 2.201, "Definitions", to define and add Fresh Produce Markets to the definitions. The text shall read as follows:

Fresh Produce Markets:

A specified location on a parcel of land in which vendor(s) may gather to sell fresh produce, fruit and vegetable derived products, and plants on an approved parcel of land.

B. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 5: SPECIAL REQUIREMENTS FOR CERTAIN USES

- a. Delete Section 12.539, "Outdoors Seasonal Fresh Produce Stands", in its entirety, and replace it with a new section titled, "Fresh Produce Markets", that adds requirements to allow fresh produce markets as an accessory use in residential, office and institutional districts and as a use with prescribed conditions in other zoning districts. The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 12.539. ~~Outdoors Seasonal Fresh Produce~~ Markets Stands.

~~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, they are treated as a special case in the Charlotte Zoning Code. Regulations for these activities are specific. Furthermore, the 90 day limit at a site, which is associated with "temporary use," is expanded to 180 days (April 15 to October 15) for, and only for, outdoors seasonal fresh produce stands.~~

~~Outdoors seasonal fresh produce stands are limited to the natural season~~

time span, and 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, 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 or baked goods. Outdoor seasonal 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. Outdoors seasonal fresh produce stands shall be subject to the following prescribed conditions:

- (1) — The produce stand operator must obtain a permit from the Zoning Administrator, which describes the type of sales involved, the location, and the duration of the sales operation.
- (2) — Outdoors seasonal fresh produce stands are permitted in the UR-C, B-1, B-2 and CC zoning districts.
- (3) — The outdoors seasonal fresh produce stand operator/owner must be located on a lot occupied by another non-residential use.
- (4) — The owner of the property, if not the same as the outdoor seasonal fresh produce stand operator/owner, shall give written permission to the operator/owner.
- (5) — The use shall be located on a Class III, III-C, or IV street.
- (6) — Outdoor seasonal fresh product stands may operate at a site for up to 180 days, but only between April 15 and October 15.
- (7) — The use shall not involve or require the construction of a permanent building.
- (8) — Five off street parking spaces shall be provided for the use. Shared parking agreements are permitted, as per Section 12.203.
- (9) — The produce stand must not exceed 360 square feet in area, but may include awnings that extend up to 5 feet beyond the base area.
- (10) — The produce stand shall be open on two or more sides and shall be consistent with the design and architecture of surrounding structures.
- (11) — Customers shall purchase from the outside perimeter of the stand, while only operators are permitted inside.

- (12) ~~Permitted produce stand designs for stands allowed up to 90 days include 1) a grouping of display counters, without walls, that are sheltered by a fabric covered roof, or tent, and 2) a stand mounted on a licensed and road worthy trailer (wheels may remain in place, but the towing hitch and tongue shall be covered or removed so it does not pose a safety hazard and is not visible on the perimeter of the stand).~~
- (13) ~~Permitted produce stand designs allowed up to 180 days is limited to a stand mounted on a licensed and road worthy trailer. The following requirements apply to the produce stand:~~
- (a) ~~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.~~
 - (b) ~~During setup, the towing hitch and tongue shall be covered or removed so it does not pose a safety hazard and is not visible on the perimeter of the stand.~~
 - (c) ~~During setup, finished, wooden display counters and skirting materials shall be provided to conceal tires, axles, and the tongue for a more aesthetic appearance. Finished display counters may be added around the perimeter of the trailer, in such a way that they are integrated into the design of the stand.~~
 - (d) ~~The license plate shall remain visible at all times.~~
 - (e) ~~A commercially manufactured refrigerator or walk-in cooler may be provided inside the stand.~~
 - (f) ~~A removable or folding awning may be added or erected during setup to shield the produce from sun and rain.~~
- (14) ~~Hours of operation shall be from one half hour after sunrise to one half hour after sunset.~~
- (15) ~~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.~~
- (16) ~~The use, including all sale items, parking, and maneuvering shall observe a setback of 20 feet and shall not be located in the sight distance triangle.~~

- (17) ~~There shall be only one Outdoors Seasonal Fresh Produce Stand or Periodic Retail Sales Event (either off premise or on premise), or Outdoor Seasonal Sales event held at any one time on a lot.~~
- (18) ~~The produce stand operator is responsible for the removal of all trash and spoiled product on a daily basis, and, at the conclusion of the season, must remove all vestige of the operation, including tents, tables, counters, coolers, trailers and signs.~~

Fresh Produce Markets: The market's purpose is to connect farmers and growers directly to consumers and encourage greater consumption of fruits and vegetables, thereby improving the quality of life in the city and contributing to the nutritional health of the people of Charlotte. Fresh produce markets are not intended to include the sale of manufactured items such as furniture, bedding, automobile parts, computers, household goods, electronic items or other similar items.

Fresh Produce Markets shall meet the standards and regulations listed in Table 12.539, below:

Table 12.539

	<u>Fresh Produce Market</u>
<u>Zoning Districts Allowed</u>	<u>Allowed in all districts with prescribed conditions. However, the use shall only be allowed in residential, institutional and office zoning districts as an accessory use to an institution or office use.</u>
<u>Hours of Operation</u>	<u>Limited to 8:00 AM to 9:00 PM</u>
<u>Permit Required</u>	<u>A permit shall be obtained from Neighborhood & Business Services that describes the type of event involved and the duration of time. As part of the application, the operator shall submit to Neighborhood & Business Services Department proof of property owner's permission to use the property.</u>
<u>Minimum Lot Size</u>	<u>Minimum lot size is required for principal use.</u>
<u>Setbacks</u>	<u>The 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.</u>
<u>Signage</u>	<u>One identification sign not exceeding 15 square feet with a maximum height of 7 feet. (Sign permit required)</u>
<u>Allowed Structures</u>	<u>The construction of a permanent building</u>

	is not permitted in residential, office, or institutional districts; however temporary structures are allowed but must be removed within seven days from the date the permit expires.
<u>Termination</u>	The operator is responsible for the removal of all materials upon termination of the market including signage.
<u>Number of events allowed on parcel(s)</u>	No more than one fresh produce market, outdoor seasonal sale, or periodic retail sales event is allowed per site at one time.
<u>Other Codes</u>	All other applicable Federal, State and Local Codes shall be met for the use and items sold.

C. CHAPTER 9: GENERAL DISTRICTS

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

- a. Amend Table 9.101, “Table of Uses” by adding “Fresh Produce Markets” 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
<u>Fresh Produce Markets</u>	<u>PC</u>								

Other Uses:									
	R-43MF	UR-1	UR-2	UR-3	UR-C	MX-1	MX-2	MX-3	INST
<u>Fresh Produce Markets</u>	<u>PC</u>								

Other Uses:										
	O-1	O-2	O-3	RE-1	RE-2	B-1	B-2	BD	BP	CC
<u>Fresh Produce Markets</u>	<u>PC</u>									

Other Uses:								
	MUDD	UMUD	UI	I-1	I-2	TOD-M	TOD-R	TOD-E
<u>Fresh Produce Markets</u>	<u>PC</u>							

- 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
Outdoor Seasonal Fresh Produce Stands	PC	PC	PC	PC

2. PART 2: SINGLE FAMILY DISTRICTS

- a. Amend Section 9.203, “Uses permitted under prescribed conditions”, to add fresh produce markets as a permitted use with prescribed conditions, in alphabetical order, as a new item “8.5”. The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.203. Uses permitted under prescribed conditions.

(8.5) Fresh Produce Markets, subject to the regulations of Section 12.539.

D. CHAPTER 9: GENERAL DISTRICTS

1. PART 3: MULTI-FAMILY DISTRICTS

- a. Amend Section 9.303, “Uses permitted under prescribed conditions”, to add fresh produce markets as a permitted use with prescribed conditions, in alphabetical order as a new item “11.5”. The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.303. Uses permitted under prescribed conditions.

(11.5) Fresh Produce Markets, subject to the regulations of Section 12.539.

E. CHAPTER 9: GENERAL DISTRICTS

1. PART 4: URBAN RESIDENTIAL DISTRICTS

- a. Amend Section 9.404, “Uses permitted under prescribed conditions”, to add fresh produce markets as a permitted use with prescribed conditions, in alphabetical order as a new item “2.15”. The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.404. Uses permitted under prescribed conditions.

(2.15) Fresh Produce Markets (UR-1 only), subject to the regulations of Section 12.539.

F. CHAPTER 9: GENERAL DISTRICTS

1. PART 5: INSTITUTIONAL DISTRICTS

- a. Amend Section 9.503, “Uses permitted under prescribed conditions”, to add fresh produce markets as a permitted use with prescribed conditions, in alphabetical order as a new item “6.5”. The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.503. Uses permitted under prescribed conditions.

(6.5) Fresh Produce Markets, subject to the regulations of Section 12.539.

G. CHAPTER 9: GENERAL DISTRICTS

1. PART 6: RESEARCH DISTRICTS

- a. Amend Section 9.603, “Uses permitted under prescribed conditions”, to add fresh produce markets as a permitted use with prescribed conditions, in alphabetical order as a new item “4.05”.. The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.603. Uses permitted under prescribed conditions.

(4.05) Fresh Produce Markets, subject to the regulations of Section 12.539.

H. CHAPTER 9: GENERAL DISTRICTS

1. PART 7: OFFICE DISTRICTS

- a. Amend Section 9.703, “Uses permitted under prescribed conditions”, to add fresh produce markets as a permitted use with prescribed conditions, in alphabetical order as a new item “10.2”. The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.703. Uses permitted under prescribed conditions.

(10.2) Fresh Produce Markets, subject to the regulations of Section 12.539.

I. CHAPTER 9: GENERAL DISTRICTS

1. PART 8: BUSINESS DISTRICTS

- a. Amend Section 9.803, “Uses permitted under prescribed conditions”, by removing “Outdoor /Seasonal Fresh Produce s” and adding “Fresh Produce

Markets” as a permitted use with prescribed conditions, in alphabetical order as a new item “13.2”. The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.803. Uses permitted under prescribed conditions.

(13.2) Fresh Produce Markets, subject to the regulations of Section 12.539.

~~(26.1) Outdoors Seasonal Fresh Produce Stands (B-1 and B-2 only) subject to Section 12.539.~~

J. CHAPTER 9: GENERAL DISTRICTS

1. PART 8.5: MIXED USE DEVELOPMENT DISTRICTS

- a. Amend Section 9.8503, “Uses permitted under prescribed conditions”, to add fresh produce markets 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.

Fresh Produce Markets, subject to the regulations of Section 12.539.

K. CHAPTER 9: GENERAL DISTRICTS

1. PART 9: UPTOWN MIXED USE DEVELOPMENT DISTRICTS

- a. Amend Section 9.903, “Uses permitted under prescribed conditions”, to add fresh produce markets 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 9.903. Uses permitted under prescribed conditions.

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

L. CHAPTER 9: GENERAL DISTRICTS

1. PART 10: URBAN INDUSTRIAL DISTRICT

- a. Amend Section 9.1003, “Uses permitted under prescribed conditions”, to add fresh produce markets as a permitted use with prescribed conditions, in alphabetical order as a new item “4.3”. The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.1003. Uses permitted under prescribed conditions.

(4.3) Fresh Produce Markets, subject to the regulations of Section 12.539.

M. CHAPTER 9: GENERAL DISTRICTS

1. PART 11: INDUSTRIAL DISTRICTS

- a. Amend Section 9.1103, “Uses permitted under prescribed conditions”, to add fresh produce markets as a permitted use with prescribed conditions, in alphabetical order as a new item “18.1”. The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 9.1103. Uses permitted under prescribed conditions.

(18.1) Fresh Produce Markets, subject to the regulations of Section 12.539.

N. CHAPTER 9: GENERAL DISTRICTS

1. PART 12: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

- a. Amend Section 9.1206, “Uses permitted under prescribed conditions”, to add fresh produce markets 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) Fresh Produce Markets, subject to the regulations of Section 12.539.

O. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

1. PART 2: MIXED-USE DISTRICTS

- a. Amend Section 11.203, “Uses permitted under prescribed conditions”, to add fresh produce markets as a permitted use with prescribed conditions, in alphabetical order as a new item “10.2”. The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 11.203. Uses permitted under prescribed conditions.

(10.2) Fresh Produce Markets, subject to the regulations of Section 12.539.

P. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

1. PART 4: COMMERCIAL CENTER DISTRICT

- a. Amend Section 11.403, “Uses permitted under prescribed conditions”; to add fresh produce markets as a permitted use with prescribed conditions, in alphabetical order as a new item “6.2”. The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 11.403. Uses permitted under prescribed conditions.

(6.2) Fresh Produce Markets, subject to the regulations of Section 12.539.

Q. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

1. PART 7: RESEARCH DISTRICT

- a. Amend Section 11.703, "Uses permitted under prescribed conditions", to add fresh produce markets as a permitted use with prescribed conditions, in alphabetical order as a new item "2". The remaining subsections shall remain unchanged. The revised text shall read as follows:

Section 11.703. Uses permitted under prescribed conditions.

- (2) Fresh Produce Markets, subject to the regulations of Section 12.539.

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 ____, 2010, 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 _____, 2010.