
REQUEST	Text Amendment to Section 12.539 of the Zoning Ordinance
SUMMARY OF PETITION	The petition proposes to: 1) clarify that outdoor fresh produce stands are allowed as a principal use in all zoning districts except the residential, office, and institutional districts; and 2) add prescribed conditions for principal use outdoor fresh produce stands only when a permanent structure is not utilized.
STAFF RECOMMENDATION	Staff recommends approval of this petition. The petition is consistent with adopted policies.
PETITIONER AGENT/REPRESENTATIVE	Charlotte-Mecklenburg Planning Department Charlotte-Mecklenburg Planning Department
COMMUNITY MEETING	Meeting is not required.

PLANNING STAFF REVIEW

- **Background**
 - Outdoor fresh produce stand provisions were amended in rezoning petition 2010-080, which was adopted on May 14, 2012.
 - The adopted provisions allowed outdoor fresh produce stands as an accessory use.
 - Retail uses are allowed as a principal use in a variety of zoning districts. Outdoor fresh produce stands are a type of retail use.
 - **Proposed Request Details**

The text amendment contains the following provisions:

 - Clarifies that outdoor fresh produce stands are permitted as a principal use in all zoning districts except residential, office and institutional.
 - Clarifies that when an outdoor fresh produce stand(s) is a principal use in a permanent structure, then the standards of the underlying zoning district apply, as well as the regulations of Chapter 4, "Development Approval".
 - Adds prescribed conditions for principal use outdoor fresh produce stands if a permanent structure is not utilized:
 - A zoning permit from the Zoning Administrator is required for each vendor for the stand(s) and any associated canopies or tents.
 - Zoning permits are valid from January 1 to December 31, unless a shorter duration is noted.
 - Property owner written permission is required for each vendor.
 - Outdoor fresh produce stands may operate all year.
 - A zoning use placard must be posted in a visible location on the produce stands when in use.
 - Temporary fabric-covered canopies or tents are permitted, if removed daily.
 - The vendor is responsible for the removal of all trash and spoiled product on a daily basis. The vendor must remove all vestige of the operation, including, but not limited to, canopies, tents, tables, counters, coolers, trailers and signs at the conclusion of the season or termination of the permit.
All applicable local, state and federal codes shall be met for the use and items sold.
 - **Public Plans and Policies**
 - The petition is consistent with adopted policy.
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DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No issues.
 - **Transportation:** No comments received.
 - **Vehicle Trip Generation:** Not applicable.
 - **Connectivity:** Not applicable.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** No comments received.
 - **Charlotte-Mecklenburg Storm Water Services:** No comments received.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No issues.
 - **Mecklenburg County Parks and Recreation Department:** No comments received.
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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 Department of Neighborhood & Business Services Review
- Mecklenburg County Land Use and Environmental Services Agency Review

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