

REQUEST	Text amendment to Sections 2.201, 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, and 12.539
SUMMARY OF PETITION	The petition proposes to: 1) add a new definition for mobile produce market; 2) allow the use in the same zoning districts where outdoor fresh produce stands are permitted, with prescribed conditions; 3) modify several prescribed conditions for outdoor fresh produce stands that will also apply to mobile produce markets; and 4) allow mobile produce markets that utilize large commercial vehicles to park in residential neighborhoods.
PETITIONER AGENT/REPRESENTATIVE	Charlotte-Mecklenburg Planning Department Charlotte-Mecklenburg Planning Department
COMMUNITY MEETING	Meeting is not required.
STATEMENT OF CONSISTENCY	This petition is found to be consistent with the <i>Centers, Corridors and Wedges Growth Framework</i> , based on information from the staff analysis and the public hearing, and because: <ul style="list-style-type: none"> • It meets the plan goal to create a vibrant economy and a greater mix of commercial uses; and • It provides a range of choices for employment opportunities. <p>Therefore, this petition is found to be reasonable and in the public interest, based on information from the staff analysis and the public hearing, and because the text amendment:</p> <ul style="list-style-type: none"> • Adds a new definition for mobile produce market; • Allows the use in the same zoning districts where outdoor fresh produce stands are permitted, with prescribed conditions; • Modifies several prescribed conditions for outdoor fresh produce stands that will also apply to mobile produce markets; and • Allows mobile produce markets that utilize large commercial vehicles to park in residential neighborhoods; <p>By a 7-0 vote of the Zoning Committee (motion by Commissioner Sullivan seconded by Commissioner Labovitz).</p>

ZONING COMMITTEE ACTION	The Zoning Committee voted 7-0 to recommend APPROVAL of this petition.
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VOTE	Motion/Second: Sullivan/Labovitz Yeas: Dodson, Eschert, Labovitz, Nelson, Ryan, Sullivan and Walker Nays: None Absent: None Recused: None
ZONING COMMITTEE DISCUSSION	Staff presented a summary of the text amendment. There were no questions.
STAFF OPINION	Staff agrees with the recommendation of the Zoning Committee.

FINAL STAFF ANALYSIS
(Pre-Hearing Analysis online at www.rezoning.org)

PLANNING STAFF REVIEW**• Background**

- Currently, the Zoning Ordinance does not have a definition for mobile produce markets. However, the use is permitted as a Periodic Retail Sales Event, Off-Premise, with a permit good for 14 days, and renewable up to six times per calendar year.
- In the summer of 2013, City Council requested staff research how other cities regulate mobile produce markets and explore how they can be permitted for longer periods of time as a viable way of providing fresh fruits and vegetables to areas lacking access to full-service grocery stores or only having access to limited grocery stores, such as convenience stores.
- On September 5th and 19th of 2013, City Council's Economic Development Committee received a presentation on the Mecklenburg County Food Assessment from representatives of the University of North Carolina – Charlotte and the Charlotte-Mecklenburg Food Policy Council. The study addressed the absence of food stores in some parts of Mecklenburg County, and one strategy discussed was to add mobile produce market regulations to the Zoning Ordinance.
- In January 2014, a Citizen Advisory Group was formed and charged with providing staff input on:
 - 1) the issues and opportunities associated with mobile produce markets,
 - 2) a draft definition for mobile produce markets, and
 - 3) associated prescribed conditions.

The group included representatives from the Charlotte-Mecklenburg Food Policy Council, Friendship Gardens, an outdoor fresh produce stand operator, and a mobile market operator. Four stakeholders met on January 29, 2014 to review and discuss the proposed regulations.

- A public hearing on the text amendment was held on March 17, 2014, during which City Council members made a number of comments on the amendment provisions. On March 26, 2014 and at subsequent meetings, the Zoning Committee recommended deferral of the recommendation. This allowed staff time to address comments made during the public hearing, to hold an additional stakeholder meeting, and to make modifications to the text amendment. On March 25, 2015, the Zoning Committee recommended sending the petition back to the City Council for a new public hearing since staff has made significant changes to the original text amendment.

• Proposed Request Details

The updated text amendment contains the following provisions:

- After modifying the standards originally proposed for mobile produce markets, staff wanted to ensure that the regulations for outdoor fresh produce stands aligned with the standards for mobile produce markets, and that both uses were treated consistently. As a result, the two uses were combined in Section 12.539.
- Modifies the definition proposed for mobile produce market: "a mobile vehicle (excluding passenger cars) or trailer, commercially licensed by a Department of Motor Vehicles, from which fruits and vegetables (fresh or commercially prepared and packaged) are sold, excluding alcoholic beverages."
- Mobile produce markets have to meet the following prescribed conditions, which are already in place for outdoor fresh produce stands:
 - Allows the same types of fresh produce to be sold for mobile produce markets as for outdoor fresh produce stands: 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, up to 10% of the total sales area may be used to sell fruit or vegetable derived products.
 - Property owner permission required.
 - Lot must be a legally conforming lot.
 - Trash, spoiled product shall be removed daily.
 - Setback for sale items and parking shall comply with the minimum setback of the zoning district or an approved conditional site plan, but shall not be less than 20 feet.
 - Temporary fabric covered canopies or tents are permitted if removed daily.
 - Federal, state, local codes shall be met.
 - As a principal use, allowed in the same zoning districts: urban residential – commercial (UR-C); research (RE-1, RE-2, RE-3); neighborhood business (B-1); general business (B-2); distributive business (B-D); business park (BP); commercial center (CC); neighborhood service (NS); mixed use development (MUDD); uptown mixed use (UMUD); transit oriented

development – employment (TOD-E); transit oriented development – mixed-use (TOD-M); urban industrial (U-I); light industrial (I-1) and heavy industrial (I-2).

- As an accessory use, allowed in the same zoning districts:
 - Residential districts [R-3, R-4, R-5, R-6, and R-8 (single family residential); R-8MF, R-12MF, R-17MF, R-22MF, and R-43MF (multi-family residential), UR-1, UR-2, and UR-3 (urban residential); TOD-R (transit oriented development – residential); MX-1, MX-2, and MX-3 (mixed use)], only allowed as an accessory to a religious institution, school, university, college, or hospital located on a lot abutting a major thoroughfare and subject to the following additional prescribed conditions:
 - Hours of operation: 7 a.m. to 9 p.m.
 - One attached identification sign allowed up to a maximum size of 15 square feet.
 - Permanent buildings not permitted.
 - Office and Institutional districts [O-1, O-2, and O-3 (office) and INST (institutional)], only allowed as an accessory use to a religious institution, school, university, college, hospital or to an office use, subject to the following additional prescribed conditions:
 - Permanent buildings are not permitted.
 - One attached identification sign allowed for each produce stand, not to exceed 15 square feet in the office and institutional districts.
 - All Other districts: Only allowed as an accessory use to a non-residential use.
- The following are changes to the outdoor fresh produce stand regulations that mobile produce markets will also have to meet:
 - Modifies who obtains the zoning permit. Instead of the vendor obtaining the permit, the property owner is required to obtain it.
 - Deletes the requirement for a zoning use placard to be displayed on the outdoor fresh produce stand because the property owner is the person obtaining the permit, not the vendor.
 - Modifies the permit validity period from a calendar year starting in January, to 365 consecutive days.
 - Reduces the number of required off-street parking spaces from five to two.
 - Expand the types of streets allowed for accessory outdoor fresh produce stands located in residential districts to include minor thoroughfares and collectors.
 - Adds that violations are subject to citations and may result in the revocation of the zoning use permit.
 - Adds information that canopies or tents exceeding 12 feet in any dimension require a permit from Neighborhood & Business Services.
 - Limits temporary fabric-covered tents or canopies to one 12' X 12' canopy or tent in residential districts for accessory uses.
 - One additional prescribed condition has been added for mobile produce markets:
 - Allows large commercial vehicles to park in the residential districts as an accessory use.
- **Public Plans and Policies**
 - This petition is consistent with the *Centers, Corridors and Wedges Growth Framework* goals to create a vibrant economy and a greater mix of commercial uses, and to provide a range of choices for employment opportunities.

DEPARTMENT COMMENTS (see full department reports online)

- **Charlotte Area Transit System:** No comments received.
 - **Charlotte Department of Neighborhood & Business Services:** No comments received.
 - **Transportation:** No issues.
 - **Charlotte Fire Department:** No comments received.
 - **Charlotte-Mecklenburg Schools:** Not applicable.
 - **Charlotte-Mecklenburg Storm Water Services:** No issues.
 - **Engineering and Property Management:** No issues.
 - **Mecklenburg County Land Use and Environmental Services Agency:** No comments received.
 - **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.
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OUTSTANDING ISSUES

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

- Application
- Pre-Hearing Staff Analysis
- Transportation Review
- Charlotte-Mecklenburg Storm Water Services Review
- Engineering and Property Management Review

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