

Petition No. 2014-021
 Petitioner: Charlotte-Mecklenburg Planning Department

**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 AND RULES OF CONSTRUCTION

1. PART 2: DEFINITIONS

- a. Amend Section 2.201, "Definitions" by adding a new definition for "mobile farmer's market", in alphabetical order. The new definition shall read as follows:

Mobile farmer's market.

A commercial mobile vehicle (excluding pick-up trucks, open trailers and boats), licensed by the Department of Motor Vehicles, from which commercially prepared and packaged or uncut perishable fruits, vegetables or dairy products are sold (excluding alcoholic beverages, homemade food products and goods).

B. CHAPTER 9: GENERAL DISTRICTS

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

- a. Amend Section 9.101, "Table of Uses" by adding "mobile farmer's markets", in alphabetical order, as a use allowed under prescribed conditions under the heading, "Accessory Uses and Structures" and "Other Uses" in the table. The amended table shall read as follows:

Accessory Uses and Structures										
	R-3	R-4	R-5	R-6	R-8	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF
<u>Mobile farmer's market as an accessory use to a religious institution, school, college, university or hospital</u>	<u>PC</u>									

Accessory Uses and Structures								
	UR-1	UR-2	UR-3	TOD-R	R-MH	MX-1	MX-2	MX-3
<u>Mobile farmer's market as an accessory use to a religious institution, school, college, university or hospital</u>	<u>PC</u>							

Accessory Uses and Structures						
	O-1	O-2	O-3	Institutional	RE-1	RE-2
<u>Mobile farmer's market as an accessory use to a church, school, religious institution, university, hospital, or office</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

Accessory Uses and Structures									
	UR-C	RE-3	B-1	B-2	B-D	BP	CC	MUDD	UMUD
<u>Mobile farmer's market</u>	<u>PC</u>								

Accessory Uses and Structures					
	TOD-E	TOD-M	U-I	I-1	I-2
<u>Mobile farmer's market</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

Other Uses									
	UR-C	RE-3	B-1	B-2	B-D	BP	CC	MUDD	UMUD
<u>Mobile farmer's market</u>	<u>PC</u>								

Other Uses					
	TOD-E	TOD-M	U-I	I-1	I-2
<u>Mobile farmer's market</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>	<u>PC</u>

2. PART 2: SINGLE FAMILY DISTRICTS

- a. Amend Section 9.204, "Permitted accessory uses and structures", by adding "mobile farmer's market" in alphabetical order. The new item shall read as follows:

(9.5) Mobile farmer's market, subject to the regulations of Section 12.547.

3. PART 3: MULTI-FAMILY DISTRICTS

- a. Amend Section 9.304, “Permitted accessory uses and structures”, by adding “mobile farmer’s market” in alphabetical order. The new item shall read as follows:

(7.5) Mobile farmer’s market, subject to the regulations of Section 12.547.

4. PART 4: URBAN RESIDENTIAL DISTRICTS

- a. Amend Section 9.404, “Urban Residential Districts; uses permitted under prescribed conditions”, by adding “mobile farmer’s markets” in alphabetical order. The new item shall read as follows:

(2.5) Mobile farmer’s market, (UR-C only), subject to the regulations of Section 12.547.

- b. Amend Section 9.405, “Urban Residential Districts; accessory structures”, by 1) amending the title to read, “Urban Residential Districts; accessory uses and structures”, 2) number items in the list, and 3) add “mobile farmer’s market” in alphabetical order. The revised section shall read as follows:

Section 9.405. Urban Residential Districts; accessory uses and structures

(1) Accessory structures are allowed in all urban residential districts in accordance with Section 12.106. However, accessory structures are exempted from Section 12.106 with respect to shared property lines when a joint application is made by adjoining property owners.

(2) Land clearing and inert landfills (LCID): on-site, are permitted subject to the regulations of Section 12.405.

(3) Mobile farmer’s market, subject to the regulations of Section 12.547.

5. PART 5: INSTITUTIONAL DISTRICT

- a. Amend Section 9.504, “Permitted accessory uses and structures”, by adding “mobile farmer’s market” in alphabetical order. The new item shall read as follows:

(6.5) Mobile farmer’s market, subject to the regulations of Section 12.547.

6. PART 6: RESEARCH DISTRICTS

- a. Amend Section 9.603, “Uses permitted under prescribed conditions” by adding “mobile farmer’s market” in alphabetical order. The new item shall read as follows:

(10.5) Mobile farmer’s market, subject to the regulations of Section 12.547.

- b. Amend Section 9.604, “Permitted accessory uses and structures” by adding “mobile farmer’s market” in alphabetical order. The new item shall read as follows:

(9.5) Mobile farmer’s market, subject to the regulations of Section 12.547.

7. PART 7: OFFICE DISTRICTS

- a. Amend Section 9.704, “Permitted accessory uses and structures” by adding “mobile farmer’s market” in alphabetical order as item (10) and deleting “Reserved”. The new item shall read as follows:

(10) ~~(RESERVED)~~ Mobile farmer’s market, subject to the regulations of Section 12.547.

8. PART 8: BUSINESS DISTRICTS

- a. Amend Section 9.803, “Uses permitted under prescribed conditions” by adding “mobile farmer’s market” in alphabetical order as item (18) and remove “Reserved”. The new item shall read as follows:

(18) [RESERVED] Mobile farmer’s market, subject to the regulations of Section 12.547.

- b. Amend Section 9.804, “Permitted accessory uses and structures” by adding “mobile farmer’s market” in alphabetical order. The new item shall read as follows:

(10.5) Mobile farmer’s market subject to the regulations of Section 12.547.

9. PART 8.5: MIXED USE DEVELOPMENT DISTRICT

- a. Amend Section 9.8503, “Mixed Use Development District; uses permitted under prescribed conditions by adding “mobile farmer’s market” in alphabetical order. The new item shall read as follows:

Mobile farmer’s market, subject to the regulations of Section 12.547.

- b. Amend Section 9.8504, “Mixed Use Development District; accessory uses” by adding “mobile farmer’s market” in alphabetical order. The new item shall read as follows:

Mobile farmer's market, subject to the regulations of Section 12.547.

10. PART 9: UPTOWN MIXED USE DISTRICT

- a. Amend Section 9.903, "Uptown Mixed Use District; uses permitted under prescribed conditions" by adding "mobile farmer's market" in alphabetical order, and renumbering the uses (14.2), (14.3), (14.4), (14.43),(14.45), and two (14.5). The revised and new items shall read as follows:

(14.2) Mobile farmer's market, subject to the regulations of 12.547.

(14.23) Nursing homes, rest homes and homes for the aged in accordance with the standards of Mecklenburg County and the State of North Carolina for the licensing and operation of such facilities.

(14.34) Off-street parking, subject to the following conditions:

- (a) As an accessory use to an on-site principal use
- (b) Structured parking decks as a principal use or accessory use.
- (c) All of the above parking facilities must conform to the requirements of Section 9.906. (2) Streetscape standards.

(14.45) Outdoor fresh produce stands, subject to the regulations of Section 12.539.

(14.436) Pet services indoor/outdoor, subject to the regulations of Section 12.541

(14.457) Bicycle-sharing station, subject to the regulations of Section 12.543.

(14.58) Radio, telephone, cellular telephone and television masts, towers, antennae and similar structures, subject to the regulations of subsection 12.108(7) or subsection 12.108(8).

- b. Amend Section 9.904, "Uptown Mixed Use District; accessory uses" by adding "mobile farmer's market" in alphabetical order. The new item shall read as follows:

(1.8) Mobile farmer's market, subject to the regulations of 12.547.

11. PART 10: URBAN INDUSTRIAL DISTRICT

- a. Amend Section 9.1003, “Urban Industrial District; uses permitted under prescribed conditions” ” by adding “mobile farmer’s market” in alphabetical order, and renumbering items (6.01), (6.02), (6.05), (6.5) and deleting item (7), and adding a new item (8). The revised and new item shall read as follows:

~~(6.017)~~ Outdoor fresh produce stands, subject to the regulations of Section 12.539.

(8) Mobile farmer’s market, subject to the regulations of 12.547.

~~(6.029)~~ Bicycle-sharing station, subject to the regulations of Section 12.543.

~~(6.0510)~~ Shelters

a) Accessory Shelter, subject to the regulations of 12.536.

b) Emergency Shelter, subject to the regulations of 12.537.

c) Homeless Shelter, subject to the regulations of 12.538.

~~(6.511)~~ Short-term care facilities, subject to the regulations of Section 12.522.

~~(7) — RESERVED~~

- b. Amend Section 9.1004, “Urban Industrial District; permitted accessory uses” by adding “mobile farmer’s market” in alphabetical order. The new item shall read as follows:

(2.5) Mobile farmer’s market, subject to the regulations of Section 12.547.

12. PART 11: INDUSTRIAL DISTRICTS

- c. Amend Section 9.1103, “Uses permitted under prescribed conditions” by adding “mobile farmer’s market” in alphabetical order. The new item shall read as follows:

(29.7) Mobile farmer’s market, subject to the regulations of Section 12.547.

- d. Amend Section 9.1104, “Permitted accessory uses and structures” by adding “mobile farmer’s market” in alphabetical order. The new item shall read as follows:

(5.5) Mobile farmer’s market, subject to the regulations of Section 12.547.

13. PART 12: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

- a. Amend Section 9.1206, “Uses permitted under prescribed conditions” by adding “mobile farmer’s market” in alphabetical order, and renumbering items (7.05), (7.1), and (7.2). The revised and new items shall read as follows:

~~(7.051)~~ Mobile Food Vending Service, subject to Section 12.510.

(7.2) Mobile farmer’s market (TOD-E and TOD-M only), subject to the regulations of 12.547.

~~(7.43)~~ Outdoor fresh produce stands, subject to the regulation of Section 12.539.

~~(7.24)~~ Pet services indoor/outdoor, subject to the regulations of Section 12.541.

- b. Amend Section 9.1207, “Accessory uses” by adding “mobile farmer’s market” in alphabetical order. The new item shall read as follows:

(1.5) Mobile farmer’s market, subject to the regulations of Section 12.547.

C. CHAPTER 11: CONDITIONAL ZONING DISTRICTS

1. PART 2: MIXED-USE DISTRICTS (MX-1, MX-2, AND MX-3)

- a. Amend Section 11.204, “Permitted accessory uses and structures” by adding “mobile farmer’s market” in alphabetical order. The new item shall read as follows:

(9.5) Mobile farmer’s market, subject to the regulations of Section 12.547.

2. PART 3: MANUFACTURED HOUSING DISTRICT

- a. Add a new Section 11.303A titled, “Permitted accessory uses and structures” and adding “mobile farmer’s market” in alphabetical order. This section number shall be inserted between Section 11.303 and Section 11.304. The new section shall read as follows:

Section 11.303A. Permitted accessory uses and structures.

The following uses shall be permitted in the R-MH district as accessory uses and structures, subject to the applicable criteria in Chapter 12 of these regulations.

- (1) Mobile farmer's market, subject to the regulations of Section 12.547.

3. PART 4: COMMERCIAL CENTER DISTRICT

- a. Amend Section 11.403, "Uses permitted under prescribed conditions" by adding "mobile farmer's market" in alphabetical order. The new item shall read as follows:

- (6.5) Mobile farmer's market, subject to the regulations of Section 12.547.

- b. Amend Section 11.404, "Permitted accessory uses and structures" by adding "mobile farmer's market" in alphabetical order. The new item shall read as follows:

- (4.5) Mobile farmer's market, subject to the regulations of Section 12.547.

4. PART 7: RE-3 RESEARCH DISTRICT

- a. Amend Section 11.703, "Uses permitted under prescribed conditions" by adding "mobile farmer's market" in alphabetical order, to the list of uses which are permitted. The new item shall read as follows:

Section 11.703. Uses permitted under prescribed conditions.

The same uses permitted under prescribed conditions in the RE-1 and RE-2 districts (Section 9.603) shall be permitted under prescribed conditions in the RE-3 district except for the following uses which are not permitted in RE-3:

- (1) Vehicle leasing offices and associated automobile parking.

The following additional uses shall be permitted provided they meet all requirements of this Part and all other requirements established in these regulations:

- (1) Childcare centers in a residence, subject to the regulations of Section 12.502.

- (1.5) Mobile farmer's markets, subject to the regulations of Section 12.547.

- (2) Nightclubs, bars and lounges, provided such uses are at least 400 feet from any residential district.

- (3) Retail sales permitted in B-1, up to 10,000 square

feet.

- (4) Retail sales permitted in B-1, over 10,000 square feet (RE-3 – Optional only).
- (5) Structured parking decks, subject to the regulations of 11.706(10).

- b. Amend Section 11.704, “Permitted accessory uses and structures” by adding “mobile farmer’s market” in alphabetical order. The new item shall read as follows:

(.5) Mobile farmer’s market, subject to the regulations of Section 12.547.

D. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

1. PART 5: SPECIAL REQUIREMENTS FOR CERTAIN USES

- a. Add a new Section 12.547, titled, “Mobile Farmer’s Market” to read as follows:

Section 12.547. Mobile Farmer’s Market

Mobile farmer’s market operator(s) 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, fresh herbs, or other fruits or vegetables. Mobile farmer’s markets are not intended to include the sale of Christmas trees, Halloween pumpkins, plants or flowers, which are regulated in Section 12.519. Mobile farmer’s markets shall meet the following prescribed conditions:

- (1) A mobile farmer’s market shall be allowed as a principal use or as an accessory use in the UR-C, RE-3, B-1, B-2, B-D, BP, CC, NS, MUDD, UMUD, TOD-E, TOD-M, U-I, I-1 and I-2 zoning districts, subject to the following prescribed conditions:
 - (a) The mobile farmer’s market shall not be located in any required setback, any sight distance triangle, or required buffer.
 - (b) Any operator of a mobile farmer’s market must receive a zoning use permit and display placard from Neighborhood & Business Services. It must be posted in the front window of the mobile farmer’s market vehicle, while in use. The maximum duration of a mobile farmer’s market permit is 365 consecutive days. A list of dates and times the mobile farmer’s market will be at each location

shall be submitted with the zoning use permit application. There is a maximum of three (3) locations that can be listed for each permit.

- (c) The operator of a mobile farmer's market shall submit proof that the property owner or designated agent (lessee) grants his/her permission to locate the mobile farmer's market on each property. This documentation shall be submitted to Neighborhood & Business Services and attached to the zoning use permit application.
- (d) A mobile farmer's market shall not sell food and/or drink processed or prepared on-site. Mobile food vending is not allowed as part of the use.
- (e) The operator of a mobile farmer's market is responsible for removing all trash, litter, and refuse generated by the use from the site at the end of each visit.
- (f) The hours of operation shall be between 8:00 a.m. and 9:00 p.m. The mobile farmer's market shall only be located on the site between these hours. No overnight parking is allowed.
- (g) The mobile farmer's market shall provide five off-street parking spaces and shall not locate in any minimum required parking spaces for other uses on the site. Parking spaces may be shared with other uses on the site, unless the Zoning Administrator determines that parking congestion problems will be present on the site.
- (h) One table and one fabric covered tent (maximum size of 12' x 12') for shelter only are permitted in association with the use, and shall be removed daily.
- (i) No products shall be displayed or stored off the vehicle or trailer.
- (j) All applicable local and state codes shall be met.
- (k) A mobile farmer's market and an outdoors fresh produce stand shall not occupy the same lot at the same time.
- (l) Signs must be in compliance with Chapter 13. No portable signs are allowed.
- (m) Violations are subject to Section 8.105, "Citations".

Violations may result in the revocation of the zoning use permit.

(2) A mobile farmer's market shall be allowed as an accessory use to a religious institution, school, college, university, hospital or office in the R-3, R-4, R-5, R-6, R-8, R-8MF, R-12MF, R-17MF, R-22MF, R-43MF, R-MH, UR-1, UR-2, UR-3, MX-1, MX-2, MX-3, Institutional, O-1, O-2, O-3, RE-1, and RE-2 and TOD-R zoning districts, subject to the prescribed conditions listed in subsections (a) through (m) in Section 12.547(1), and the following additional prescribed condition:

- (a) If the mobile farmer's market utilizes a large commercial vehicle, it is exempt from meeting the requirements of Section 12.218(4) and may park in a residential district as an accessory use on a site with a religious institution, school, college, university or hospital.
- (b) In the residential districts, only one mobile farmer's market shall be allowed per location at any one time.

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 _____, 2014, 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 _____, 2014.