

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 fresh produce market", in alphabetical order. The new definition shall read as follows:

Mobile fresh produce market.

A mobile vehicle, or trailer, commercially licensed by a Department of Motor Vehicles, from which commercially prepared and packaged or uncut perishable fruits and vegetables 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 fresh produce 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:

<b>Accessory Uses and Structures</b>										
	R-3	R-4	R-5	R-6	R-8	R-8MF	R-12MF	R-17MF	R-22MF	R-43MF
<u>Mobile fresh produce 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 fresh produce 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 fresh produce 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 fresh produce market</u>	<u>PC</u>								

Accessory Uses and Structures					
	TOD-E	TOD-M	U-I	I-1	I-2
<u>Mobile fresh produce 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 fresh produce market</u>	<u>PC</u>								

Other Uses					
	TOD-E	TOD-M	U-I	I-1	I-2
<u>Mobile fresh produce 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 fresh produce market” in alphabetical order. The new item shall read as follows:

(9.5) Mobile fresh produce market as an accessory use to a religious institution, school, college, university, hospital or office, subject to the regulations of Section 12.539.

3. PART 3: MULTI-FAMILY DISTRICTS

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

(7.5) Mobile fresh produce market as an accessory use to a religious institution, school, college, university, hospital or office, subject to the regulations of Section 12.539.

4. PART 4: URBAN RESIDENTIAL DISTRICTS

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

(2.5) Mobile fresh produce market, (UR-C only), subject to the regulations of Section 12.539.

- 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 fresh produce market as an accessory use to a religious institution, school, college, university, hospital or office,” and “mobile fresh produce 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 fresh produce market as an accessory use to a religious institution, school, college, university, hospital or office (UR-1, UR-2, and UR-3 only), subject to the regulations of Section 12.539.
- (4) Mobile fresh produce market (UR-C only) as an accessory use

subject to the regulations of Section 12.539.

5. PART 5: INSTITUTIONAL DISTRICT

- a. Amend Section 9.504, “Permitted accessory uses and structures”, by adding “mobile fresh produce market as an accessory use to a religious institution, school, college, university, hospital or office,” in alphabetical order. The new item shall read as follows:

(6.5) Mobile fresh produce market as an accessory use to a religious institution, school, college, university, hospital or office, subject to the regulations of Section 12.539.

6. PART 6: RESEARCH DISTRICTS

- a. Amend Section 9.604, “Permitted accessory uses and structures” by adding “mobile fresh produce market as an accessory use to a religious institution, school, college, university, hospital or office,” in alphabetical order. The new item shall read as follows:

(9.5) Mobile fresh produce market as an accessory use to a religious institution, school, college, university, hospital or office, subject to the regulations of Section 12.539.

7. PART 7: OFFICE DISTRICTS

- a. Amend Section 9.704, “Permitted accessory uses and structures” by adding “mobile fresh produce market as an accessory use to a religious institution, school, college, university, hospital or office,” in alphabetical order as item (10) and deleting “Reserved”. The new item shall read as follows:

(10) ~~(RESERVED)~~ Mobile fresh produce market as an accessory use to a religious institution, school, college, university, hospital or office, subject to the regulations of Section 12.539.

8. PART 8: BUSINESS DISTRICTS

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

(18) [RESERVED] Mobile fresh produce market, subject to the regulations of Section 12.539.

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

(10.5) Mobile fresh produce market, subject to the regulations of Section

12.539.

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 fresh produce market” in alphabetical order. The new item shall read as follows:

Mobile fresh produce market, subject to the regulations of Section 12.539.

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

Mobile fresh produce market, subject to the regulations of Section 12.539.

10. PART 9: UPTOWN MIXED USE DISTRICT

- a. Amend Section 9.903, “Uptown Mixed Use District; uses permitted under prescribed conditions” by adding “mobile fresh produce 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 fresh produce market, subject to the regulations of 12.539.

(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.

(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 fresh produce market” in alphabetical order. The new item shall read as follows:

(1.8) Mobile fresh produce market, subject to the regulations of 12.539.

11. PART 10: URBAN INDUSTRIAL DISTRICT

- a. Amend Section 9.1003, “Urban Industrial District; uses permitted under prescribed conditions” by adding “mobile fresh produce 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 fresh produce market, subject to the regulations of 12.539.

~~(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 fresh produce market” in alphabetical order. The new item shall read as follows:

(2.5) Mobile fresh produce market, subject to the regulations of Section 12.539.

12. PART 11: INDUSTRIAL DISTRICTS

- c. Amend Section 9.1103, “Uses permitted under prescribed conditions” by adding

“mobile fresh produce market” in alphabetical order. The new item shall read as follows:

(29.7) Mobile fresh produce market, subject to the regulations of Section 12.539.

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

(5.5) Mobile fresh produce market, subject to the regulations of Section 12.539.

### 13. PART 12: TRANSIT ORIENTED DEVELOPMENT DISTRICTS

- a. Amend Section 9.1206, “Uses permitted under prescribed conditions” by adding “mobile fresh produce 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 fresh produce market (TOD-E and TOD-M only), subject to the regulations of 12.539.

~~(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 fresh produce market as an accessory use to a religious institution, school, college, university, hospital or office,” in alphabetical order. The new item shall read as follows:

(1.5) Mobile fresh produce market as an accessory use to a religious institution, school, college, university, hospital or office, subject to the regulations of Section 12.539.

## 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 fresh produce market as an accessory use to a religious institution, school, college, university, hospital or office,” in alphabetical order. The new item shall read as follows:

(9.5) Mobile fresh produce market as an accessory use to a religious institution, school, college, university, hospital or office, subject to

the regulations of Section 12.539.

2. PART 3: MANUFACTURED HOUSING DISTRICT

- a. Add a new Section 11.303A titled, “Permitted accessory uses and structures” and adding “mobile fresh produce market as an accessory use to a religious institution, school, college, university, hospital or office,” 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 fresh produce market as an accessory use to a religious institution, school, college, university, hospital or office, subject to the regulations of Section 12.539.

3. PART 4: COMMERCIAL CENTER DISTRICT

- a. Amend Section 11.403, “Uses permitted under prescribed conditions” by adding “mobile fresh produce market” in alphabetical order. The new item shall read as follows:

(6.5) Mobile fresh produce market, subject to the regulations of Section 12.539.

- b. Amend Section 11.404, “Permitted accessory uses and structures” by adding “mobile fresh produce market” in alphabetical order. The new item shall read as follows:

(4.5) Mobile fresh produce market, subject to the regulations of Section 12.539.

4. PART 7: RE-3 RESEARCH DISTRICT

- a. Amend Section 11.703, “Uses permitted under prescribed conditions” by adding “mobile fresh produce 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 fresh produce markets, subject to the regulations of Section 12.539.
  - (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 fresh produce market” in alphabetical order. The new item shall read as follows:

- (.5) Mobile fresh produce market, subject to the regulations of Section 12.539.

## D. CHAPTER 12: DEVELOPMENT STANDARDS OF GENERAL APPLICABILITY

### 1. PART 5: SPECIAL REQUIREMENTS FOR CERTAIN USES

- a. Modify Section 12.539, “Outdoors Fresh Produce Stands” by modifying the section to include mobile fresh produce markets and prescribed conditions. The revised section shall read as follows:

**Section 12.539. Outdoors Fresh Produce Stands or Mobile Fresh Produce Markets**

~~Because Outdoors fresh produce stands and mobile fresh produce markets 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.~~

~~Outdoor fresh produce stands and mobile fresh produce market~~ vendor(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. In addition to fresh produce, up to 10% of the total sales area may be used to sell fruit or vegetable derived products. Outdoor fresh produce stands or mobile fresh produce markets are not intended to include the sale of Christmas trees, Halloween pumpkins, plants or flowers, which are regulated in Section 12.519.

~~As a principal use, outdoor fresh produce stands are allowed in all zoning districts except residential, office and institutional zoning districts. As a principal use, outdoor fresh produce stands located in a permanent structure are subject to the standards of the underlying zoning district and the regulations of Chapter 4, "Development Approval".~~

~~However, if a permanent structure is not utilized, then the following prescribed conditions shall be met.~~

An outdoor fresh produce stand or mobile fresh produce market may be a principal or accessory use in accordance with the following prescribed conditions:

- (1) **Principal Use - Outdoor fresh produce stands or mobile fresh produce markets are allowed in all zoning districts except residential, office and institutional zoning districts, and are subject to the following:**
  - (a) Outdoor fresh produce stands located in a permanent structure are subject to the standards of the underlying zoning district and the regulations of Chapter 4, "Development Approval".
  - (b) Mobile fresh produce markets and outdoor fresh produce stands not utilizing a permanent structure shall meet the following prescribed conditions:
    - (1)1. Each vendor selling fresh produce must obtain zoning permit(s) for the outdoor fresh produce stand(s) or mobile fresh produce market and any associated canopies or tents from Neighborhood & Business Services, the Zoning Administrator or designee. A list of dates and times the use shall be at each location shall be submitted with the zoning use application. The permit for an outdoor fresh produce stand or mobile fresh produce market shall be valid for 365 consecutive days, from January 1 to December 31, unless a shorter duration is noted.
    - ~~(2)2.~~ 2. The owner of the property, or designated agent if not the same as the outdoor fresh produce stand vendor(s) shall give written permission to each vendor.

- ~~(3)~~ ~~Outdoor seasonal fresh produce stands may operate all year.~~
- ~~(4)~~3. A zoning use placard must be posted in a visible location, ~~on the produce stand while in use.~~
- ~~(5)~~4. Temporary fabric-covered canopies or tents are permitted, if removed daily.
- ~~(6)~~5. The outdoor fresh produce stand vendor or the mobile fresh produce market vendor is responsible for the removal of all trash and spoiled product on a daily basis, ~~and, at the conclusion of the season or termination of the permit, the operator must remove all vestige of the operation, including, but not limited to, canopies, tents, tables, counters, coolers, trailers and signs.~~
- 6. The prescribed conditions of Section 12.539(2)(c), subsections 2, 3, 4, 5, and 6 shall be met.
- ~~(7)~~7. All other applicable Federal, State and Local Codes shall be met for the use and items sold.
- 8. Violations are subject to Section 8.105, "Citations". Violations may result in the revocation of the zoning use permit.

(2) ~~As an a~~**Accessory Use**, ~~o~~Outdoor fresh produce stands or mobile fresh produce markets are allowed in all zoning districts, subject to the following prescribed conditions:

~~(1)~~a. Each vendor selling fresh produce must obtain zoning permit(s) for the outdoor fresh produce stand(s) or mobile fresh produce market and any associated canopies or tents from Neighborhood & Business Services, the Zoning Administrator or designee. A list of dates and times the use will be at each location shall be submitted with the zoning use application. The permit for an outdoor fresh produce stand or mobile fresh produce market shall be valid for 365 consecutive days, from January 1 to December 31, unless a shorter duration is noted.

b. Zoning District Regulations.

~~(2)~~1. Residential Districts: The outdoor fresh produce stand or mobile fresh produce market use shall only be allowed in residential districts as an accessory use to a religious institution, school, university, college, or hospital located on a lot abutting a major thoroughfare, minor thoroughfare

or collector street, not to exceed 750 square feet of the lot area for all stand(s). The lot must be a legal conforming lot that is in compliance with all zoning regulations, subject to the following prescribed conditions:

- i. Outdoor fresh produce stand(s) may not exceed 750 square feet of the lot area for all stand(s).
- ii. Only one mobile fresh produce market is allowed on a lot at any time. A mobile fresh produce market and an outdoor fresh produce stand shall not occupy the same lot at the same time.
- iii. If the mobile fresh produce 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.
- iv. The lot must be a legal conforming lot that is in compliance with all zoning regulations.
- v. One table and one fabric covered tent (maximum size of 12' X 12') are permitted for shelter only, and shall be removed daily.
- vi. Permanent buildings are not permitted.

~~(3)~~2. Office and Institutional Districts: The outdoor fresh produce stand or mobile fresh produce market use shall be allowed in institutional and office zoning districts as an accessory use to a religious institution, school, university, college, hospital or to an office use, not to exceed 1500 square feet of the lot for all stand(s). The lot must be a legal conforming lot that is in compliance with all zoning regulations, subject to the following prescribed conditions:

- i. Outdoor fresh produce stands shall not exceed 1500 square feet of the lot for all stand(s).
- ii. Permanent buildings are not permitted.
- iii. The lot must be a legal conforming lot that is in compliance with all zoning regulations.
- iv. Only one mobile fresh produce market is allowed on a lot at any one time.

~~(4)~~3. All other Districts: The outdoor fresh produce stand or mobile fresh produce market use shall be allowed only on lot occupied by another non-residential use, and shall not exceed 1500 square feet of the lot for all stand(s). The lot must be a legal conforming lot that is in compliance with all zoning regulations meet the following preceived conditions:

1. The outdoor fresh produce stand shall not exceed 1500 square feet of the lot for all stand(s).
2. The lot must be a legal conforming lot that is in compliance with all zoning regulations.

c. The following additional prescribed conditions shall be met for outdoor fresh produce stands or mobile fresh produce markets:

~~(5)~~1. The owner of the property, or designated agent, if not the same as the outdoor fresh produce stand vendor(s) shall give written permission to each outdoor fresh produce stand or mobile fresh produce market vendor.

~~(6)~~ Outdoor seasonal fresh produce stands may operate all year.

~~(7)~~2. Five Two off-street parking spaces shall be provided for all outdoor fresh produce stand(s) or mobile fresh produce market. on the same parcel. Shared parking agreements are permitted, as per Section 12.203

~~(8)~~ In the residential, office, or institutional zoning districts, no buildings are permitted in association with fresh produce stands.

~~(9)~~3. Hours of operation shall be from 7:00 a.m. to 9:00 p.m. one half hour after sunrise to one half hour after sunset.

~~(10)~~4. Signage is only allowed on the outdoor fresh produce stand or on the mobile fresh produce market vehicle or trailer. One identification sign not exceeding 15 square feet may be attached to the outdoor fresh produce stand or mobile fresh produce market vehicle or trailer. This sign may remain in place throughout the sales season. No detached signs are allowed.

~~(11)~~5. The setback for all sale items and parking shall the minimum setback approved on a conditional site plan, or the setback of the district if there is not an approved site plan, but not less than 20 feet from the right-of-way.

- 6. Outdoor fresh produce stand(s) or a mobile fresh produce market shall not be located in any required setback, sight distance triangle, or required buffer.
- ~~(12)~~7. In all zoning districts, temporary fabric-covered canopies or tents are permitted, if removed daily.
- ~~(13)~~8. A zoning use placard must be posted in a visible location. ~~on the produce stand while in use.~~
- ~~(14)~~9. The outdoor fresh produce stand vendor or the mobile fresh produce market vendor is responsible for the removal of all trash and spoiled product on a daily basis, ~~and, at the conclusion of the season or termination of the permit, the operator must remove all vestige of the operation, including, but not limited to, canopies, tents, tables, counters, coolers, trailers and signs.~~
- ~~(15)~~10. Outdoor Fresh Produce Stand(s), Periodic Retail Sales Event (either off-premise), or Outdoor Seasonal Sales event may not occupy the same lot at the same time. Any change of use of the property requires a new permit, and any previous permit(s) become null and void.
- 11. Violations are subject to Section 8.105, "Citations". Violations may result in the revocation of the zoning use permit.
- ~~(16)~~12. All other applicable Federal, State and Local Codes shall be met for the use and items sold.

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 \_\_\_\_, 2015, 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 \_\_\_\_\_, 2015.

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