

Legislation Details (With Text)

File #:	OR 17 3338 rev	Version:	1	Name:	ORDINANCE NO. 3338 AMENDING LMC CHAPTER 19.42 REGARDING FARMERS' MARKETS IN RESIDENTIAL DISTRICTS
Type:	Ordinance	Status:			Passed
File created:	2/2/2017	In control:			City Council
On agenda:	2/9/2017	Final action:			2/9/2017
Title:	ORDINANCE NO. 3338 AMENDING LMC CHAPTER 19.42 REGARDING FARMERS' MARKETS IN RESIDENTIAL DISTRICTS				

COUNCIL STRATEGIC INITIATIVE ADDRESSED:
Preserve and enhance neighborhoods

CITY ATTORNEY REVIEW: Required

SUMMARY STATEMENT:

Per a Planning Commission recommendation, the City Council adopted Ordinance No. 3324 on June 30, 2016. This ordinance amended the zoning code to allow farmers' markets to locate in residential districts on church or school grounds. The City Council also decided to direct the Planning Commission to examine expanding the areas where farmers' markets could locate. The Council specifically mentioned private property and parks as possible locations for farmer's markets.

At their September 2016 regular meeting, the Planning Commission considered some proposed amendments to Chapter 19.42. These proposed amendments would allow farmers' markets to locate in City parks and to locate on private land that is two or more acres in size upon receiving a special property use permit. The Planning Commission held a public hearing on the proposed amendments at their December 2016 regular meeting. Following the public hearing, the Planning Commission unanimously passed a motion to recommend approval of the proposed amendments.

At their January 12, 2017 regular meeting, the City Council voted unanimously to accept the Planning Commission's recommendation and direct the City Attorney to prepare an ordinance for Council review and approval.

The ordinance was on the City Council's January 26 meeting agenda with a recommendation for approval. However, a few days before the meeting it was discovered that a definition needed to be changed. The definition of "farmers' market" would only allow churches and schools to operate farmers' markets which is contrary to the intent of the ordinance. Thus, the Council decided to postpone consideration of Ordinance 3338 to the February 9 meeting.

The attached Ordinance No. 3338 includes a revised definition of "farmers' market." The definition is revised as follows:

"Farmers' market" means a market at a fixed location, open to the public, operated by a religious establishment at their place of worship or by public or private schools that meet state requirements for elementary, secondary or higher education at the school site operated by the property owner or the full-time lessee of the property or, in the case of schools and parks, by a market operator selected by that property owner. Vendors who regularly participate during the market's hours of operation are producers, or family members of producers. Only farm products and value-added farm products are sold. No alcohol products or marijuana infused products shall be sold.

RECOMMENDED ACTION:
Motion to adopt Ordinance No. 3338.

STAFF CONTACT:
Jim McNamara, City Attorney

Steve Langdon, Planning Manager

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ord No 3338 rev

Date	Ver.	Action By	Action	Result
2/9/2017	1	City Council	adopted	Pass

ORDINANCE NO. 3338 AMENDING LMC CHAPTER 19.42 REGARDING FARMERS' MARKETS IN RESIDENTIAL DISTRICTS

COUNCIL STRATEGIC INITIATIVE ADDRESSED:

Preserve and enhance neighborhoods

CITY ATTORNEY REVIEW: Required

SUMMARY STATEMENT:

Per a Planning Commission recommendation, the City Council adopted Ordinance No. 3324 on June 30, 2016. This ordinance amended the zoning code to allow farmers' markets to locate in residential districts on church or school grounds. The City Council also decided to direct the Planning Commission to examine expanding the areas where farmers' markets could locate. The Council specifically mentioned private property and parks as possible locations for farmer's markets.

At their September 2016 regular meeting, the Planning Commission considered some proposed amendments to Chapter 19.42. These proposed amendments would allow farmers' markets to locate in City parks and to locate on private land that is two or more acres in size upon receiving a special property use permit. The Planning Commission held a public hearing on the proposed amendments at their December 2016 regular meeting. Following the public hearing, the Planning Commission unanimously passed a motion to recommend approval of the proposed amendments.

At their January 12, 2017 regular meeting, the City Council voted unanimously to accept the Planning Commission's recommendation and direct the City Attorney to prepare an ordinance for Council review and approval.

The ordinance was on the City Council's January 26 meeting agenda with a recommendation for approval. However, a few days before the meeting it was discovered that a definition needed to be changed. The definition of "farmers' market" would only allow churches and schools to operate farmers' markets which is contrary to the intent of the ordinance. Thus, the Council decided to postpone consideration of Ordinance 3338 to the February 9 meeting.

The attached Ordinance No. 3338 includes a revised definition of "farmers' market." The definition is revised as follows:

"Farmers' market" means a market at a fixed location, open to the public, operated by a religious establishment at their place of worship or by public or private schools that meet state requirements for elementary, secondary or higher education at the school site operated by the property owner or the full-time lessee of the property or, in the case of schools and parks, by a market operator selected by that property owner. Vendors who regularly participate during the market's hours of operation are producers, or family members of producers. Only farm products and value-added farm products are

sold. No alcohol products or marijuana infused products shall be sold.

RECOMMENDED ACTION:

Motion to adopt Ordinance No. 3338.

STAFF CONTACT:

Jim McNamara, City Attorney

Steve Langdon, Planning Manager