



Urban Planning and Land Use

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To: City Planning Commission
From: City Staff
Date: November 9, 2015
Re: **Proposed Ordinance Amendment Concerning Farmers' Markets (15228)**

GENERAL INFORMATION

This is a request of staff from the Board of Commissioners to prepare and process ordinance amendments regarding farmers' markets. This request is in line with the Unified Government's initiative to improve health across the County through Healthy Communities Wyandotte. Community stakeholders have identified the current special use permit process for farmers' markets as a barrier to the access to local, healthy food.

This report outlines the following proposed ordinance amendments:

- Provide a definition for farmers' markets
- Amend the allowable special uses to include farmers' markets
- Amend the accessory uses section of the code to allow farmers' markets in the following districts and their planned equivalent counterparts: AG, C-0, C-1, C-D, C-2, C-3, M-1, M-2, M-3, and TND

In conjunction with the above ordinance amendments, it is staff's recommendation to also adjust special use permit application requirements for farmers' markets outside of the above mentioned zoning districts. An additional category for "farmers' markets" under miscellaneous special use permits with a fee of \$75.00 would supplement the stated purpose.

Purpose: To decrease regulatory barriers to local, healthy food access particularly concerning farmers' markets

Advertisement: September 17, 2015
Public Hearing: November 9, 2015
Public Opposition: None expressed to date

PROPOSAL

Staff proposes the following ordinance modifications to achieve the goals of the community:

Sec. 27-340. – Definitions.

Farmers' Market, means any common facility or area where fruits, vegetables, meats, other local farm or consumable products, etc., are sold directly to consumers by producers, growers, and sellers at more than one (1) stand operated by different persons.

Local Produce, means produce grown within 100 miles of the Kansas City, Kansas corporate limit.

Sec. 27-593. - Allowable special uses.

(a) The following uses may be permitted under special use permit in any zoning district except as specifically limited herein:

(31) Farmers' markets in the R through C-0 districts.

a. Farmers' markets are allowed in A-G and C-1 through M-3 districts upon submitting an annual agreement with the Department of Urban Planning and Land Use in these districts.

Sec. 27-608. - District AG.

In the AG district, accessory uses are as follows:

(4) Farmers' markets

a. Farmers' markets are allowed upon submitting an annual agreement with the Department of Urban Planning and Land Use in this district. Farmers' markets that take place outside of the following zoning districts require a special use permit.

Sec. 27-611. - District C-0.

(a) In the C-0 district, accessory uses are as follows:

(10) Farmers' markets

- a. Farmers' markets are allowed upon submitting an annual agreement with the Department of Urban Planning and Land Use in these districts. Farmers' markets that take place outside of the following zoning districts require a special use permit.

Sec. 27-612. - Districts C-1, C-D, C-2 and C-3.

In the C-1, C-D, C-2, and C-3 districts, accessory uses are as follows:

- (8) Farmers' markets
 - a. Farmers' markets are allowed upon submitting an annual agreement with the Department of Urban Planning and Land Use in these districts. Farmers' markets that take place outside of the following zoning districts require a special use permit.

Sec. 27-613. - Districts M-1; M-2 and M-3.

In the M-1, M-2 and M-3 districts, accessory uses are as follows:

- (9) Farmers' markets
 - a. Farmers' markets are allowed upon submitting an annual agreement with the Department of Urban Planning and Land Use in these districts. Farmers' markets that take place outside of the following zoning districts require a special use permit.

Sec. 27-614. - District TND.

In the TND district, accessory uses are as follows:

- (1) Those accessory uses permitted in district AG through districts C-1, C-D, C-2, and C-3 districts.
- (2) Farmers' markets
 - a. Farmers' markets are allowed upon submitting an annual agreement with the Department of Urban Planning and Land Use in this district. Farmers' markets that take place outside of the following zoning districts require a special use permit.

~~Sec. 27-614. - Particular uses.~~

~~Sec. 27-615. - Particular uses.~~

~~Sec. 27-615. - Special use permits.~~

~~Sec. 27-616. - Special use permits.~~

STAFF COMMENTS AND SUGGESTIONS

Staff recommends that the City Planning Commission recommend approval of the text amendment.

REVIEW OF INFORMATION AND SCHEDULE

Action	Planning Commission	Unified Government Commission
Public Hearing	November 9, 2015	December 10, 2015

STAFF CONTACT: **Rob Richardson, AICP**
 rrichardson@wycokck.org

MOTIONS

I move the Kansas City, Kansas City Planning Commission **RECOMMEND APPROVAL** of this ordinance amendment to the Unified Government Board of Commissioners as meeting all the requirements of the City code and being in the interest of the public health, safety and welfare subject to such modifications as are necessary to resolve to the satisfaction of City Staff all comments contained in the Staff Report; and the following additional requirements of the Kansas City, City Planning Commission:

1. _____;
2. _____; And
3. _____.

OR

I move the Kansas City, Kansas City Planning Commission **RECOMMEND DENIAL** of this ordinance amendment, as it is not in compliance with the City Ordinances and as it will not promote the public health, safety and welfare of the City of Kansas City, Kansas; and other such reasons that have been mentioned.



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Farmers' Markets Annual Agreement

Thank you for your interest in participating in a farmers' market in Wyandotte County and Kansas City, Kansas. Please submit this agreement once a year if the proposed farmers' market is in one of the following zoning districts: A-G, C-0, C-1, C-D, C-2, C-3, M-1, M-2, M-3, and TND.

Submit your completed agreement to:

Urban Planning and Land Use Department
701 North 7th Street, Room 423
Kansas City, Kansas 66101

A complete agreement consists of the following items:

- Signed and completed agreement packet
- Signed and notarized affidavit of property owner consent
- Site plan showing vendor and parking configurations

Please note: This agreement must be renewed on an annual basis. All agreements expire at the end of the calendar year, regardless of month submitted.

Applicant Information

Farmers' Market Name _____

Host Organization _____

Market Calendar Year _____

Local Contact (*Required*) _____

Must be present during event

Address _____

City _____ State _____ Zip _____
Phone _____ E-mail _____
Must be available by phone during event

Property Information

Address _____
City _____ State _____ Zip _____

Market Information

Days of Operation _____
Hours of Operation _____
Frequency of Operation (Monthly, Weekly, Etc.) _____
Number of Event Volunteers and Staff _____
Anticipated Number of Vendors _____

Details of Vendors (Check all that apply)

- | | | | |
|--|--------------------------------|---|---|
| <input type="checkbox"/> Fruits / Vegetables | <input type="checkbox"/> Herbs | <input type="checkbox"/> Dairy | <input type="checkbox"/> Meat |
| <input type="checkbox"/> Baked Goods | <input type="checkbox"/> Eggs | <input type="checkbox"/> Nursery Products | <input type="checkbox"/> Prepared Foods |

It is your responsibility to ensure proper and up-to-date licenses and permits required for the operation of the farmers' market are in place. These may include food manufacturer's licenses, nursery permits, organic certifications, dairy permits, mobile food licenses, sales tax permits, scale certifications, food manager's certifications, and any other required licenses or permits.

Selling food that is grown and sold within the State of Kansas does not require a Unified Government business license. Selling food that is lightly manufactured or grown outside of the State of Kansas does require a Unified Government business license. Contact the Unified Government Business License Department at (913) 573-8780 for any questions.

Please note: This agreement is subject to review by the Unified Government Urban Planning and Land Use Department.

Site Plan and Parking Map

Attach a site plan showing the location of trailers or vendor tents and vehicle parking. Include the names of all streets or areas that are part of the venue. Provide written details below.

Signage

A Special Event Display sign permit is required for any farmers' markets' signs. Please apply with the Unified Government Urban Planning and Land Use Department.

Portable signs and banner signs may be erected on the property provided that such signs shall be displayed for a period not to exceed seven calendar days within any six-month period. Banner signs of up to 50 square feet may be displayed for farmers' markets.

In no case shall any sign be placed within a regulatory sight triangle, twenty-five (25) feet of the edge of pavement, or any clear zone, as defined by the American Association of State Highway and Transportation Officials.

Declaration

I hereby affirm that the above statements are true and correct and constitute the basis for issuance of this agreement. I also agree to abide by the requirements set out in the Unified Government Wyandotte County/Kansas City, Kansas Code of Ordinances and any subsequent amendments thereto and to the provisions of such other ordinances regulating and relating to farmers' markets. I understand that any variance from the statements made in this application or the provisions of abovementioned ordinances shall constitute the basis for revocation of this agreement.

Applicant's Signature _____

Printed Name _____ Date _____

Office Use Only

Date of Approval _____

Reviewed By _____

Printed Name _____

Stipulations of Approval

Unified Government Farmers' Markets Annual Agreement
Affidavit of Property Owner Consent

STATE OF _____)
) SS:
 COUNTY OF _____)

Comes now _____, of lawful age, sound mind and upon
(PROPERTY OWNER)

his/her oath states as follows:

1. That I am the property owner of

(ADDRESS) (PARCEL NUMBER)
 in Kansas City, Kansas.
2. That I have reviewed the application for _____
(FARMERS' MARKET)
 to hold a farmers' market on my property.
3. That after discussing the matter and fully reviewing the agreement, I authorize that
 agreement to be filed.

Further affiant saith not.

 Affiant

SUBSCRIBED IN MY PRESENCE AND SWORN to before me this _____ day of _____,
 20 _____.

 Notary Public

My commission expires _____ of _____, 20 _____.