



City Council Agenda Item Summary Report

Meeting Date: April 21, 2020			
Submitted by: P. Morgan			
Consent	Discussion Only	Public Hearing X	Action/Discussion
Item Title: Hold a public hearing and discuss and consider approval of an Ordinance amending the City of Forney Comprehensive Zoning Ordinance by amending the permit requirements and the regulations for a Farmers Market.			
Attachments: Ordinance			

Item Summary:

Regulations for a farmers market use were established by City Council on March 15, 2016. Since that time there has been one farmers market operate on the Brad Street cotton gin property. Staff was recently contacted by one of the participating food vendors and by the Forney Arts Council and we discussed how the regulations could be amended to promote the growth of the market and to make sure that the inspection process made sense for all parties.

Staff has reviewed the current regulations and is proposing the following changes, marked in red:

47.10 Farmers Market:

- A. Farmers market is an allowed use with approval of a Conditional Use Provision in the GR- General Retail District and the CBD- Central Business District. An application for a Conditional Use Provision must contain the following information:
 1. The name, address and telephone number of the applicant and of any other persons responsible for the conduct of the farmers market.
 2. The street address of the proposed location of the farmers market; the name, address and telephone number of the property owner; and a copy of a consent letter from the property owner.
 3. A description of the farmers market, including a proposed schedule of the dates and hours of operation for the market.
 4. The estimated number of vendors and attendees.
 5. A drawing showing the area to be used for the farmers market, along with proposed structures, tents, fences, barricades, signs, and banners.
 6. Details on where parking will be allowed.
 7. Details of how the applicant will clean up the property after each day.
 8. A description of each farmers market that the applicant conducted or sponsored, or participated in conducting or sponsoring, within the preceding two years.
 9. Any other information the Community Development Director or their designee determines necessary for a comprehensive evaluation of the farmers market proposal.

- B. A farmers market may only operate between the hours of 8 a.m. and 7 p.m. on any day of the week. Additional restrictions may be imposed by the City Council during consideration of the Conditional Use Provision.
- C. An applicant for a farmers market must execute a written agreement to indemnify the City and its officers and employees against all claims of injury or damage to persons or property, whether public or private, arising out of the conduct of the market.
- D. Prior to consideration by the Planning and Zoning Commission and the City Council, the City Manager or his designee (Community Development Director) may deny a Farmers Market application if:
 - 1. A farmers market permit has been previously granted to another farmers market that is located within one mile of the proposed market;
 - 2. the proposed farmers market will unreasonably disrupt the orderly flow of traffic, and no reasonable means of rerouting traffic or otherwise meeting traffic needs is available;
 - 3. the application does not provide for adequate emergency vehicle access or if the Police Chief or Fire Chief determines that the farmers market would pose a serious threat to the public health, safety or welfare;
 - 4. the applicant has had a farmers market permit revoked within the preceding 12 months;
 - 5. the applicant or a vendor at the applicant's market has committed, within the preceding 12 months, three or more violations or a provision of this chapter;
- E. All litter, food and merchandise must be removed from the premises at the end of each market day.
- F. Products that may be sold at a farmers market include, but are not limited to, the following:
 - 1. Fruits, vegetables, honey, eggs, nuts, herbs, and mushrooms.
 - 2. Meats.
 - 3. Dairy Products.
 - 4. Prepared foods, including but not limited to baked goods, packaged foods and oils.
 - 5. Arts and crafts, including but not limited to jewelry, candles, natural skin care products, soaps, art, kitting, quilts and pottery.
- G. Health inspection permits and inspections are required. **A Farmer's Market requires an annual food establishment permit, with quarterly inspections. (Staff comment- inspections were previously required for each day of an event. Using a third-party inspector made this costly and it was a burden for the same vendors to have repetitive inspections)** The following requires a permit:
 - 1. Offering any food and/or drink samples.
 - 2. Any food and/or drink on-site preparation.
 - 3. Offering any temperature sensitive food/drink items. This includes, but is not limited to, frozen meats, eggs, and cottage bill foods (as defined by the State of Texas Department of Health Services).
 - 4. **Any other requirement as set forth by the State of Texas Department of Health Services.**
- H. At least one half of the participating vendors must sell produce or other food items, unless otherwise approved with the Conditional Use Permit.

- I. All products distributed, offered for sale, or sold at a farmers market must have been raised, grown, made, crafted, processed, or produced by the vendor in a Texas County completely or partially located within a 150-mile radius of Kaufman County, **unless otherwise approved by the Community Development Director.** No products may be offered for resale.
- J. Live animals may not be distributed, offered for sale, or sold at a farmers market. **The only exception to this is animal adoptions by the City of Forney Animal Shelter.**

In addition, staff proposes a minor change to the Zoning Ordinance definition of farmers market:

FARMERS MARKET – An outdoor marketplace on private property where produce, merchandise, food or other products that are distributed, offered for sale, or sold directly to consumers by the persons that have raised, grown, made, crafted, processed, or produced the products. A Farmers Market is separate from a Special Event and must follow the regulations set forth in Section 47.10 of this Zoning Ordinance. **(Staff comment- the word “temporary” was removed. There is a citizen interested in setting up a year-round farmers market.)**

Recommendation:

Staff recommends approval.