



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report: Z-TA-6-15
Zoning Ordinance Text Amendment

Application No Z-TA-6-15 Amend Section 622 (Neighborhood Commercial) to modify regulations for farmers markets to separate smaller scale markets located on commercially zoned properties and the larger scale markets that may include food or beverages that are dispensed from a vehicle. Amend Section 708 (Temporary Uses) of the Zoning Ordinance regarding the ability of farmers markets to process an Administrative Temporary Use Permit (ATUP) on an annual basis.

Staff recommendation: Staff recommends approval of Z-TA-6-15 as shown in the recommended text.

Purpose

The intent of these changes is to modify requirements for farmers markets within the City of Phoenix. Farmers markets are designed to provide local communities access to healthy foods. Several farmers' markets advocates have expressed concern about the requirement of a use permit for these types of uses, citing the costs and public hearing time frame. Staff has evaluated these concerns.

There is a distinction between smaller-scale farmers markets and larger ones that may include vehicles that dispense food or beverages. The amount of parking spaces devoted to the vendors' stations, the hours of operation, and the amount of vehicular traffic vary depending on the size and offerings of farmers market. Commercially zoned properties tend to have excess parking available and are not typically immediately adjacent to residential uses. If a smaller scale farmers market locates on these sites, an Administrative Temporary Use Permit (ATUP) could accommodate any negative impacts to the surrounding areas. When the farmers markets become larger to include vehicles from which food or beverages are dispensed or on residentially zoned properties, the impacts on surrounding area can become greater. The use permit through a public hearing process allows public input and can include mitigating stipulations.

The Phoenix General Plan contains an entire section dedicated towards the goal of creating a healthy food system. One of the actions called out in this section is – *Update codes and ordinances to eliminate barriers and encourage the development of healthy food infrastructure*. The proposed text amendment directly responds to this action item and will provide opportunities for applicants to help achieve the goal of creating a healthy food system in the city.

Description of the Proposed Text

The proposed text provides an administrative process for farmers markets that do not include vehicles from which food or beverages are dispensed for properties zoned for commercial uses. If a farmers market would like to include such vendors, the use permit provision would still apply. See attachment "A" for recommended language.

Conclusion

This text amendment will amend the requirements for farmers markets depending on the scale of the market. If the market includes vendors who dispense food or beverages from a vehicle, the use permit through a public hearing would be required. For the smaller farmers markets, an administrative process renewable on an annual basis is proposed.

Staff recommends approval of the change to the Zoning Ordinance as proposed in Attachment A.

Writer

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3/17/16

Attachment A
TA-6-15 Farmers Markets Regulations

Proposed Language

Amend Chapter 6, Section 622. D (Commercial C-1 District—Neighborhood Retail, Permitted Uses) to read as follows:

- D. **Permitted Uses.** All uses permitted in R1-6 if zoned commercial prior to January 5, 1994, non-single-family residential, and single-family attached uses permitted in R-3, R-4, R-5 and R-4A; and in addition the following:

59. Family Game Center, subject to a use permit.
60. Farmers Market, subject to the following conditions:
- a. Obtaining a use permit in accordance with the provisions of Section 307 IF FOOD OR BEVERAGE IS DISPENSED FROM A VEHICLE.
 - b. On-site operational conditions and improvements may be stipulated as a condition of use permit approval.
 - c. IF NO FOOD OR BEVERAGE IS DISPENSED FROM A VEHICLE, SUBJECT TO THE PROVISIONS OF SECTION 708.C (ADMINISTRATIVE TEMPORARY USE PERMIT).
61. Finance Companies and Loan Offices.

Amend Chapter 7, Section 708.C (Temporary uses) by adding new “J” to read as follows:

- C. **Administrative Temporary Use Permit.** An administrative temporary use permit (ATUP) is subject to the following:
- 1. An administrative temporary use permit is required for the following uses or analogous uses:

- i. Temporary construction yards or staging areas.
- J. FARMERS MARKETS ON C-1, C-2, C-3, A-1, or A-2 ZONED PROPERTIES, PROVIDED NO FOOD OR BEVERAGES ARE DISPENSED FROM A VEHICLE.

- 3. The Planning and Development Director shall review applications and may grant approval based upon the following criteria:

- d. Dates, times, duration, and other requirements shall be in accordance with the following or as otherwise may be limited by the Planning and Development Director and listed on the permit.

- (3) The following uses may be approved for up to one year:

- (e) Interim surface parking.

- (F) FARMERS MARKETS ON C-1, C-2, C-3, A-1, or A-2 ZONED PROPERTIES, PROVIDED NO FOOD OR BEVERAGES ARE DISPENSED FROM A VEHICLE.