

Department of Community Planning and Economic Development – Planning Division
Zoning Code Text Amendment

Date: June 12, 2006

Initiator of Amendment: Council Member Schiff

Date of Introduction at City Council: March 31, 2006

Ward: All

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Intent of the Ordinance: The purpose of the amendment is to comprehensively examine the zoning code provisions as they relate to farmers' markets.

Appropriate Section(s) of the Zoning Code: Amending Chapter 520 related to Zoning Code: Introductory Provisions; Amending Chapter 535 related to Zoning Code: Regulations of General Applicability; Amending Chapter 536 related to Zoning Code: Specific Development Standards; Amending Chapter 541 related to Zoning Code: Off-Street Parking & Loading; Amending Chapter 543 related to Zoning Code: On-Premise Signs; Amending Chapter 547 related to Zoning Code: Office Residence Districts; Amending Chapter 548 related to Zoning Code: Commercial Districts; Amending Chapter 549 related to Zoning Code: Downtown Districts and Amending Chapter 550 related to Zoning Code: Industrial Districts.

Background: According to the U.S. Department of Agriculture, there was a 111 percent increase in the total number of farmers' markets established nationally between 1994 and 2004. Over the last several years the City of Minneapolis has experienced an increase in the number of people or organizations interested in operating farmers' markets. In 2005, there were six farmers' markets operating within the City of Minneapolis. This year a seventh farmers' market has applied for a temporary use permit and there could be more.

As interest in operating a farmers' market increases in the City of Minneapolis, so do the challenges with where and how often one can operate. The City of Minneapolis' zoning code regulations currently allow farmers' markets to establish themselves in one of two ways: permanent farmers' markets can be established by conditional use permit in the I1, Light Industrial and I2, Medium Industrial zoning districts and seasonal farmers' markets can be established by temporary use permit. Those farmers' markets that are allowed by temporary use permit are allowed in all zoning districts provided in the residence and office residence districts the use shall be located on institutional or public uses sites. In addition, temporary farmers' markets are permitted to operate up to 15 days in one calendar year. This amendment is expected to comprehensively examine the way the zoning code currently regulates farmers' markets with the intention of making it easier to establish them as permanent uses in the city by allowing them in a wider range of zoning districts. In addition, for seasonal farmers' markets, this amendment is expected to increase the number of days one can operate.

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Another problem that has become apparent over the last several years is the confusion between a farmers' market and a shopping center. Shopping centers are intended to be enclosed commercial establishments and are allowed in the commercial and downtown zoning districts whereas farmers' markets are intended to be open air establishments and are currently allowed in the I1, Light Industrial and I2, Medium Industrial zoning districts. However, because farmers' markets are not defined in the zoning code, the two uses have been used to define both types of establishments depending on the zoning classification of the site. This amendment is intended to define a farmers' market.

Lastly, in order to allow farmers' markets to be established permanently in a wider range of zoning districts a list of specific development standards must be established in order for them to operate in a clean, safe nature without disrupting surrounding properties. This amendment is intended to create a list of specific development standards that can be applied to all farmers' markets.

Update: Based on input from the Planning Commission at its meeting held on May 22, 2006, staff revised the proposed text amendment to allow temporary farmers' markets on zoning lots in the residence and OR1 districts that are larger than 20,000 square feet and increased the amount of signage that could be allowed on a farmers' market site.

Purpose for the Amendment:

What is the reason for the amendment?

What problem is the amendment designed to solve?

What public purpose will be served by the amendment?

What problems might the amendment create?

The way in which farmers' markets are regulated is becoming an ever growing problem in the City of Minneapolis due to the increased interest in establishing them around the city. Permanent farmers' markets can only be established in industrially zoned districts where very few people live. On the other hand, on institutional and public uses sites in the residence and office residence districts and in commercially zoned districts, where the highest number of people live, a temporary farmers' market can be established but only for up to 15 days in one calendar year. Please note that there is no process, either administratively or through a public hearing process, to increase the number of days a temporary farmers' market may operate. The reason why this amendment is being brought forward is to make it easier for individuals or organizations to operate a farmers' market, either on a temporary basis or permanently, in the City of Minneapolis.

This amendment is intended to specifically define a farmers' market, allow permanent farmers' markets to be established throughout the city, create specific development standards for permanent farmers' markets in order to address potential impacts on surrounding properties and extend the number of days that temporary farmers' markets can operate in one calendar year.

The amendment would serve the public interest by allowing permanent farmers' markets to be established in areas with the greatest population density and that have established commercial markets. In addition, for those wanting to operate a temporary farmers' market they would no longer be restricted to 15 days in one calendar year. However, a permit for a temporary farmers' market is only valid for

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one year so the operator of the farmers' market will need to apply for a temporary use permit on a yearly basis.

If the purpose of the amendment is to make it easier to operate a farmers' market in the City of Minneapolis, why wouldn't the amendment allow farmers' markets as of right in all zoning districts? The answer is simple; to protect residential uses within the city from a commercial use. Planning staff does not believe that residents would want a farmers' market to be established on the small institutional site at the end of their block that contains all single-family dwellings without an annual review. Therefore, it is being proposed to make farmers' markets in the residence and OR1 zoning districts temporary uses in order to provide for an additional level of review than for ones established in the commercial or industrial zoning districts. If issues do occur at a temporary farmers' market, an annual review will allow for a dialogue to happen between the operator of the farmers' market, surrounding property owners, the neighborhood organization and the Council Member's office on ways to improve the situation before the next years permit is issued.

Besides requiring an annual review for a temporary farmers' market the other difference between a temporary and permanent farmers' market is that a permanent farmers' market is subject to a parking requirement and a temporary farmers' market is not. All of the other zoning regulations that would apply to a permanent farmers' market would also apply to a temporary farmers' market. Please note that plans for any permanent structures would require approval from the Building Plan Review section of the Inspections Department for compliance with all building code regulations prior to construction.

Planning staff does not anticipate that the amendment would cause problems. In conjunction with the licensing requirements already in place for farmers' markets, the proposed Specific Development Standards of Chapter 536 are intended to address potential impacts on surrounding properties.

Timeliness:

Is the amendment timely?

Is the amendment consistent with practices in surrounding areas?

Are there consequences in denying this amendment?

The amendment is timely in that the spring and summer months are when farmers' markets typically tend to operate.

Municipal ordinances for the following cities were researched for this text amendment; Aurora, Illinois, Chicago, Illinois, Des Moines, Iowa, St. Paul, Minnesota, Philadelphia, Pennsylvania, Tacoma, Washington and Madison, Wisconsin. Other sources that were used for the text amendment were the American Planning Association and the US Department of Agriculture. The way in which municipalities across the country regulate farmers' markets varies widely. There is no common definition of a farmers' market, no common review process, no standard of where they should be located or what standards they should adhere to.

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The consequences of denying the amendment would be that permanent farmers' markets could only be established in the I1, Light Industrial and I2, Medium Industrial zoning districts and that temporary farmers' markets could only operate 15 days per year.

Comprehensive Plan:

How will this amendment implement the Comprehensive Plan?

The amendment will implement the following policies of the comprehensive plan.

Policy 1.1. Minneapolis will promote opportunities and activities that allow neighbors and residents to get to know each other better.

Policy 1.2. Minneapolis will encourage both private and public development that provides gathering spaces in city neighborhoods.

Policy 4.2. Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.

Policy 4.3. Minneapolis will support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered.

Policy 4.4. Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.

The amendment is consistent with the comprehensive plan as it would allow a permanent farmers' market to be established in all of the zoning districts except for the residence and OR1 districts whereas before they were limited to just the I1, Light Industrial and I2, Medium Industrial zoning districts. Opening up the commercial districts especially will support the City's designated corridors and will help create a more pedestrian-like atmosphere. In addition, for those farmers' markets in the residence and OR1 districts and those operating on a temporary basis in other zoning districts the duration in which they could operate would quadruple under this amendment.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the text amendment:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and the City Council adopt the above findings and **approve** the zoning code text amendment.