

**BOARD OF SUPERVISORS
Agenda Item**


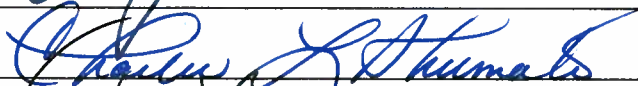
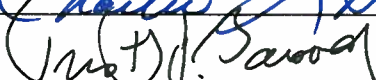
Meeting Date:	June 19, 2012
Title:	Consider an Amendment to the Zoning Ordinance Regarding Farmers Markets
Department:	Planning and Zoning
Staff Contact:	Jeffrey A. Harvey
Board Committee/ Other BACC:	N/A
Staff Recommendation:	Approval
Budget Impact:	N/A
Time Sensitivity:	N/A

ATTACHMENTS:

1.	Background Report	4.	Proposed Ordinance 012-07
2.	Resolution R12-40		
3.	PC minutes dtd 3-21-12 and 4-3-12		

Consent Agenda		Other Business		Unfinished Business
Discussion		Presentation		Work Session
New Business	X	Public Hearing		Add-On

REVIEW:

X	County Administrator	
X	County Attorney	
X	Economic Development	

DISTRICT:	N/A
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BACKGROUND REPORT

The Board is asked to consider adopting proposed Ordinance 012-07 regarding farmers markets. The proposed Ordinance would amend Stafford County Code, Section 28-25, "Definitions of specific terms;" Section 28-35, Table 3.1, "District uses and standards;" and Section 28-39, "Special Regulations." The proposed Ordinance would create a definition for farmers markets, amend the definition of public facilities, add farmers markets as a by-right use in certain zoning districts, and create special provisions for farmers markets.

Background

On August 16, 2011, the Board requested that the Planning Commission (Commission) consider preparation of an ordinance regarding farmers markets. The Commission recommended working with the Ag/PDR Committee and the Economic Development Authority (EDA) to draft an ordinance based on recommendations previously prepared by the Agricultural/PDR Committee. A joint committee was formed, consisting of two Planning Commissioners (Holly Hazard - Hartwood District, and Pete Fields - George Washington District), two Ag/PDR Committee members (Jeff Adams - Hartwood District, and Gail Clark - Rock Hill District), and one member of the EDA (David Beiler - Falmouth District). The Committee met three times and recommended proposed Ordinance 012-07 to the Planning Commission. On January 18, 2012, the Planning Commission recommended that the Board consider proposed Ordinance 012-07. On February 7, 2012, the Board referred the ordinance to the Planning Commission to conduct a public hearing, pursuant to Resolution R12-40 (Attachment 2).

Based on inquiries from the public, the Ag/PDR Committee previously discussed farmers markets, and determined that current ordinances make the process cumbersome for someone wishing to establish a farmers market. The Ag/PDR Committee believes the proposed Ordinance will facilitate the promotion of local agriculture.

Comments

In this region, farmers markets are held in the City of Fredericksburg, and the counties of King George and Spotsylvania. Fredericksburg has a designated farmer's market location at a City park, which operates year-round, seven days a week. King George has a market on Saturdays from May through November, with a Wednesday market during July and August. The King George markets are held at elementary schools. Spotsylvania has three market locations, from April through December. One market operates on Saturdays within a commuter parking lot, one operates on Wednesdays and Saturdays at the Government Center parking lot, and one operates on Wednesdays at the Spotsylvania Regional Health Center. Spotsylvania recently extended the operation of one market to once a month during the winter months. Fredericksburg and Spotsylvania ensure the production of goods sold at the Market takes place within a 75-mile and 100-mile radius of their locality, respectively. King George requires producers to be located within the County.

Typically, farmers markets have a market manager who is responsible for running the market, establishing annual rules and regulations, and engaging vendors to participate. A market manager also obtains the appropriate permits, and ensures compliance with all local, state and federal regulations.

Proposed Ordinance 012-07 creates a definition for a farmers market. In addition, pursuant to approval by the Board, it will modify the definition of public facilities to allow for the establishment of farmers markets on properties such as schools or parks. The proposed Ordinance will allow for farmers markets to be established by-right in the following Zoning Districts: A-1, Agricultural; A-2, Rural Residential; RC, Rural Commercial; B-1, Convenience Commercial; B-2, Urban Commercial; B-3, Office; PD-1, Planned Development-1; PD-2, Planned Development-2; RBC, Recreational Business Campus; and SC, Suburban Commercial. Farmers markets are currently allowed by-right in the Planned Traditional Neighborhood Development (P-TND) Zoning Districts. The proposed Ordinance further creates special provisions applicable to farmers markets, including a provision for parking, access to the site, and a process for reviewing applications for farmers markets. It is envisioned that the Ag/PDR Committee will create and update general farmer's market regulations on a year-to-year basis. These regulations will include a requirement for a market manager and will address operating standards. Applications would be reviewed by the Ag/PDR committee. This allows for a public process and ensures oversight by a County entity. In addition, a zoning permit would be required prior to operation.

Staff notes that the Zoning Ordinance allows for the operation of wayside stands. The definition of *Wayside stand/wayside market/roadside stand* is "Any structure or land used for the sale of agricultural or horticultural produce, or seafood harvested or produced by the proprietor". Wayside stands would not be affected by the proposed farmer's market ordinance. A property owner would still be able to operate a wayside stand on his or her property under current regulations.

Recommendation

Staff recommends approval of proposed Ordinance 012-07. Policy 4.1.2. of the Comprehensive Plan encourages the local production and purchase of food and fiber through establishment and support of viable farmers markets and agri-tourism events, establishment of standards for community gardens in major residential developments, and promotion of individual garden plots. Staff believes that allowing farmers markets as a permitted by-right use in various zoning districts would facilitate locally grown produce in the County.

At its April 3, 2012 meeting, the Commission voted 6-0 (Dr. Schwartz was absent) to recommend approval of proposed Ordinance 012-07. The Planning Commission also recommended that the Board establish a set fee of \$25 for the zoning permit. The zoning permit is required under the proposed Ordinance. The current fee for a zoning permit varies from \$25 to \$250.

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

RESOLUTION

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 7th day of February, 2012:

<u>MEMBERS:</u>	<u>VOTE:</u>
Susan B. Stimpson, Chairman	Yes
Cord A. Sterling, Vice Chairman	Yes
Jack R. Cavalier	Yes
Paul V. Milde III	Yes
Gary F. Snellings	Yes
Robert "Bob" Thomas, Jr.	Yes

On motion of Mr. Sterling, seconded by Mr. Thomas, which carried by a vote of 7 to 0, the following was adopted:

A RESOLUTION TO REFER ZONING AMENDMENTS TO THE PLANNING COMMISSION REGARDING STAFFORD COUNTY CODE, SECTION 28-25, "DEFINITIONS OF SPECIFIC TERMS," SECTION 28-35, TABLE 3.1, "DISTRICT USES AND STANDARDS", AND SECTION 28-39, "SPECIAL REGULATIONS"

WHEREAS, the Agricultural/PDR Committee has requested amendments to the Stafford County Code to provide a definition of a farmers market and to allow a farmers market as an allowed use in certain zoning districts; and

WHEREAS, the Planning Commission has reviewed requested amendments and recommends the Board consider these amendments; and

WHEREAS, the Board desires to amend Stafford County Code, Section 28-25, entitled "Definitions of specific terms," Section 28-35, Table 3.1, entitled "District uses and standards"; and Section 28-39, entitled "Special regulations"; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require adoption of such an ordinance;

NOW, THEREFORE BE IT RESOLVED, by the Stafford County Board of Supervisors on the 7th day of February, 2012, that the amendments to the Zoning Ordinance, pursuant to proposed Ordinance O12-07, be and they hereby are referred to the Planning Commission for a public hearing and its recommendations; and

BE IT FURTHER RESOLVED that the Planning Commission may make modifications to the ordinance as it deems necessary.

A Copy, teste:



Anthony J. Romanello, ICMA-CM
County Administrator

AJR:JAH:kb

5. Farmers Market - Proposed Ordinance O12-07 would amend and reordain Stafford County Code, Section 28-25, entitled "Definition of specific terms;" Section 28-35, Table 3.1, entitled "Table of uses and standards;" and Section 28-39, entitled "Special regulations." The proposed amendments would provide a definition for farmers market and amend the definition of public facilities to allow community-serving facilities, such as farmers markets, to be established on properties containing public facilities, when deemed appropriate by the Board of Supervisors. In addition, the amendments would allow farmers markets as a by-right use in the A-1, Agricultural; A-2, Rural Residential; RC, Rural Commercial; B-1, Convenience Commercial; B-2, Urban Commercial; B-3, Office; PD-1, Planned Development 1; PD-2, Planned Development 2; RBC, Recreational Business Campus; and SC, Suburban Commercial Zoning Districts. The amendments would establish special regulations applicable to farmers markets, such as parking and site access, as well as an application approval process and permit requirements.

Kathy Baker gave a brief overview of the Proposed Ordinance Amendment O12-07 regarding Farmers Markets. She stated that it would consider an amendment to the Zoning Ordinance by creating a definition for Farmers Market and allowing Farmers Market in various Zoning districts. She stated that it was initiated and recommended by the Agricultural/PDR Committee to facilitate and promote locally grown produce. She stated that there is a Buy Fresh, Buy Local, initiative in the area, and localities, such as King George, Fredericksburg, and Spotsylvania participate. She stated that the Committee felt this was something Stafford County should take a look at. She stated that it also came from some requests by citizens in the County that are interested in establishing a market and not really having the vehicle within the Zoning Ordinance to pursue it. She stated that the Ordinance would propose the definition, but currently they do not have a definition although Farmers Market is an allowed use in the PTND zone. She stated that the proposed definition in talks about a building structure or place used by two or more vendors for seasonal sale of agricultural, horticultural, or aqua cultural produce and then accessory incidental merchandise. She stated the Ordinance would allow for Farmers Markets generally in the Agricultural and Rural Zoning districts as well as commercial and some of the mixed use zones. She stated that the mixed use zones have areas designated as common space or community areas so they felt that those areas were viable as well. She stated that the Ordinance would allow Farmers Market on properties such as schools or parks, and that would be subject to Board of Supervisor approval. She stated that this would be achieved by amending the definition of Public Facilities, so that Community Serving Facilities such as Farmers Markets could take place on public property. She stated that the Ordinance would include special regulations, provisions for parking and access, with a minimum gravel surface with drive aisles and designated parking areas for both vendors and customer parking, and an approved entrance by VDOT if there is not an existing commercial entrance. She stated that it would create an application process through the Agricultural/PDR committee. She stated that they will require a Zoning Permit. She stated that the Ordinance Amendment would be the first step to facilitate the establishment of markets. She stated they will be working with the Board of Supervisors as well as the Farming Community group. She stated there was a joint committee that was established between the Planning Commission, the Ag/PDR Committee, as well as a member from the Economic Development Authority, and together they did recommend the Ordinance. She stated that staff is recommending approval of the Ordinance, and the Comp Plan does encourage local production and purchase of food and fiber and establishment of a viable Farmers Market as one of those vehicles. Mr. Apicella stated that he was curious whether it has been vetted with the School system and the Parks and Rec. department to see if they have any issues or concerns. Mrs. Baker stated that they had already spoken with both entities and it is going to

depend upon what school or what park might be used and whether or not that particular facility could accommodate it. They would go through each one of the entities and the Board of Supervisors would have to approve that. Mr. Apicella asked if they indicated any reservations. Mrs. Baker stated that the only reservations would be making sure that it was something that would be held in off hours because the schools on weekends are not in use to a great extent. Mr. Apicella asked if a Farmers Market is held at a school and the event is finished, there is trash and stuff left over, who is going to be responsible for taking care of what is left after the event. Mrs. Baker stated that the Market Manager would be responsible for that, and getting vendors, the oversight of the market, following the rules and regulations, getting appropriate permits, so that is something that would be put into the guidelines. Mr. Gibbons asked who was on the committee. Mr. Rhodes stated Mrs. Hazard, Mr. Fields, Mr. Adams, and Mrs. Clark. Mr. Gibbons stated that one of the biggest complaints in the County is that they make it too onerous for people to get started, so why would you want to put in there that you have to have a VDOT permit, when you are in a rural area when a group of farmers get together, and put all of their products in one area and then you have to have a permit for parking, an entrance permit, so it is being made so hard to open up a business in Stafford County. Mrs. Baker stated that as far as the entrance is, they are looking more from a safety standard and that was one of the issues raised by the Planning Commission. She stated that the entrance will be based on the size of the market. Mr. Gibbons asked why they want to over regulate the process. Dr. Schwartz asked how does that affect the single vendor roadside stands, are they now illegal. Mrs. Baker stated no, that is not going to change the Ordinance, the wayside stands will still be allowed on the property of the producer. Dr. Schwartz asked if they would have to own the land or could they lease the land. Mrs. Baker stated that based on the definition they have to be the proprietor. Mr. Hirons asked if there are fees and costs associated with the permits. Mrs. Baker stated that the Zoning Permit is fairly negligible, but she would have to check on the exact cost. She stated that they are not envisioning any application fee associated with going through the Agricultural Committee. She stated that currently to go through a farmers market it would have to be done as a conditional use permit application through two public hearings and a \$12,000 fee, which is trying to be avoided. Mr. Hirons asked if there was a fee for the entrance fee through VDOT. Mrs. Baker stated that it depends on the type of entrance they are going to require. Mrs. Hazard stated that if they choose a lot that already has an existing entrance that is within VDOT's standards, then it will not be an issue for them. With no further questions for staff, Mr. Rhodes opened the public comments for the public hearing.

Jeff Adams stated that he is a member of the Agricultural Committee and is speaking on behalf of them. He stated that what he wants to emphasize is farmers market is a community and every market has their own personality. He stated that from his point of view, farmers markets are venues to educate people about farming and food because people ask questions at a farmers market that cannot be answered in a grocery store. He stated that King George has one farmers market, Fauquier has four, Culpeper has two, Prince William has six, Spotsylvania has three, and the City of Fredericksburg which has only one farm in the city, has a farmers market open six days a week. He stated that an advantage to the Farmers Market is that the local dollars stay in the community. He stated that Farmers Markets are regulated by the State under VDACS and they have to meet the same requirements in most cases that the grocery store has. He stated that VDACS inspects the Farmers Markets.

Mr. Rhodes closed the public comment portion of the public hearing, and brought it back to the committee. Mr. Gibbons asked if there is a deadline on the Farmers Market project. Mr. Rhodes stated that he does not believe there is a requirement to vote on it that night. He stated that history of it

is that it came to them from the Board and for the Planning Commission to work on something with broad latitude and then they put together a subcommittee that presented it back to the Planning Commission a few times. There was great support from the Ag/PDR committee to work through some of the issues because they did not really understand the dynamics of the people that would be involved in a Farmers Market, so they got a lot of their input and perspectives, and this was to make the process easy for them because if they wanted to dedicate a place, they would need to go through the Conditional Use Permit, so this clearly identified a niche for them to make it easier and less costly. He asked Mr. Harvey and Mrs. Baker if there was a time limit on it. Mrs. Baker stated that she did not have the exact date with her, but she believes they have until May.

Mr. Gibbons made a motion to defer to the next meeting.

Mr. Boswell seconded the motion.

Mrs. Hazard stated that the County should be involved in the process and selecting the places for the markets, so she supports the motion.

Mr. Rhodes stated that he agrees. The motion passed 7-0.

1. Amendment to Zoning Ordinance; Farmers Market - Proposed Ordinance O12-07 would amend and reordain Stafford County Code, Section 28-25, entitled "Definition of specific terms;" Section 28-35, Table 3.1, entitled "Table of uses and standards;" and Section 28-39, entitled "Special regulations." The proposed amendments would provide a definition for farmers market and amend the definition of public facilities to allow community-serving facilities, such as farmers markets, to be established on properties containing public facilities, when deemed appropriate by the Board of Supervisors. In addition, the amendments would allow farmers markets as a by-right use in the A-1, Agricultural; A-2, Rural Residential; RC, Rural Commercial; B-1, Convenience Commercial; B-2, Urban Commercial; B-3, Office; PD-1, Planned Development 1; PD-2, Planned Development 2; RBC, Recreational Business Campus; and SC, Suburban Commercial Zoning Districts. The amendments would establish special regulations applicable to farmers markets, such as parking and site access, as well as an application approval process and permit requirements. (Time Limit: May 15, 2012) (History - Deferred at March 21, 2012 to April 3, 2012)

Kathy Baker presented the staff report for Farmers Market. She stated there are three types of entrances and permit requirements for commercial properties. She stated it would be a private driveway entrance for any kind of traffic generation of 50 vehicles per day or less that those could be gravel, but they would have to meet sight distance regulation and it would not qualify if a site was on a major road. She stated that for a moderate commercial entrance, which would be between 50 and 200 vehicles per day, there is a requirement for it to be paved and it would not have to have curb and gutter, and the entrance would only need to be about 18 feet wide. She stated that for a full commercial entrance, which is greater than 200 vehicles per day that requires a paved entrance with curb and gutter, and a minimum 30 foot width. She stated that each permit would have a different permit fee associated with it, ranging from \$100 to \$250. She stated that a Performance Bond is also required. She stated that overall the objective is to find locations on the already have existing entrances and parking for Farmers Markets. Mr. Gibbons asked is the performance bond also required if it is so many square feet. Mrs. Baker stated that she does not think for these permits that would be required, unless it was a grading issue. Mrs. Hazard asked what it would cost for someone to put a farmers market on a property that already has an entrance and parking lot. Mrs. Baker stated that there would be no charge; they would just need to get the Zoning Permit. Mr. Apicella asked how long the zoning permit would be effective. Mrs. Baker stated that it varies on the use because some of them are temporary uses, but most likely they will be one year. Mr. Apicella asked would it be possible to establish a separate permitting fee just for farmers markets at a set price regardless of the amount of effort that went into it. Mrs. Baker replied sure, they can do that. Mrs. Hazard made a motion to forward Ordinance O12-07 to the Board of Supervisors for their consideration for approval, and recommend that they approve adding a farmers market to Stafford County. Mr. Hirons seconded the motion. Mr. Apicella asked for an amendment to the motion, recommending that a standard fee be charged of \$25 for the purposes of getting a zoning permit for a farmers market. Mrs. Hazard accepts the modification of the motion. The motion passed 6-0 (Dr. Schwartz was absent).

PROPOSED

**BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA**

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 19th day of June, 2012:

MEMBERS:

- Susan B. Stimpson, Chairman
- Cord A. Sterling, Vice Chairman
- Jack R. Cavalier
- Paul V. Milde III
- Ty A. Schieber
- Gary F. Snellings
- Robert "Bob" Thomas, Jr.

VOTE:

On motion of , seconded by , which carried by a vote of , the following was adopted:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, SECTION 28-25, "DEFINITIONS OF SPECIFIC TERMS;" SECTION 28-35, TABLE 3.1, "DISTRICT USES AND STANDARDS;" AND SECTION 28-39, "SPECIAL REGULATIONS"

WHEREAS, the Stafford County Code does not define farmers market; and

WHEREAS, the Agricultural/Purchase of Development Rights Committee recommended that a definition for farmers market be created and specific zoning categories be designated to allow farmers markets by-right; and

WHEREAS, the Board has carefully considered the recommendations of the Planning Commission and staff, and the testimony at the public hearing; and

WHEREAS, the Board finds that public necessity, convenience, general welfare, and good zoning practices require the adoption of such an ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 19th day of June, 2012, that Stafford County Code, Section 28-25, "Definitions of specific terms;" Section 28-35, Table 3.1, "District uses and standards;" and Section 28-39, "Special regulations;" be and they hereby are amended and reordained as follows, all other portions remaining unchanged:

Chapter 28 – ZONING ORDINANCE

Sec. 28-25. Definitions of specific terms.

When used in this chapter, the following terms shall have the meanings herein ascribed to them:

Farmers market. A building, structure, or place used by two (2) or more vendors for the seasonal sale of agricultural, horticultural, or aquacultural produce and accessory/incidental merchandise. Accessory/incidental merchandise includes garden accessories, baked goods, floral supplies, or other similar type items directly related to the culture, care, use of, or processing of the principal use.

Public facilities. Any public works supplied generally by a governmental organization. Such public works shall include, but not be limited to, airports, parks, schools owned and/or operated by Stafford County or the commonwealth, water and sewer facilities, and police and fire protective facilities. *Community-serving facilities, such as farmers markets, may be established on properties containing public facilities when deemed appropriate by the Board of Supervisors.*

Sec. 28-35. Table of uses and standards.

Table 3.1 District Uses and Standards

A-1, Agricultural.

- (a) Uses permitted by right:

Farmers market (in accordance with section 28-39(u))

A-2, Rural Residential

- (a) Uses permitted by right:

Farmers market (in accordance with section 28-39(u))

RC, Rural Commercial

- (a) Uses permitted by right:

Farmers market (in accordance with section 28-39(u))

B-1, Convenience Commercial

- (a) Uses permitted by right:

Farmers market (in accordance with section 28-39(u))

B-2, Urban Commercial

- (a) Uses permitted by right:

Farmers market (in accordance with section 28-39(u))

B-3, Office

- (a) Uses permitted by right:

Farmers market (in accordance with section 28-39(u))

PD-1, Planned Development 1

- (a) Uses permitted by right:

Farmers market (in accordance with section 28-39(u))

PD-2, Planned Development 2

- (a) Uses permitted by right:

Farmers market (in accordance with section 28-39(u))

RBC, Recreational Business Campus

- (a) Uses permitted by right:

Farmers market (in accordance with section 28-39(u))

SC, Suburban Commercial

- (a) Uses permitted by right:

Farmers market (in accordance with section 28-39(u))

Sec. 28-39. Special regulations.

- (v) Special provisions applicable to farmers markets.

- (1) Customer parking areas shall be provided exclusive of vendor parking, and shall be in accordance with Sec. 28-102. At a minimum, parking and driving areas shall be surfaced in crushed stone in an amount sufficient to prevent soil erosion, abate dust and provide an adequate driving surface. Where parking areas are shared with other uses on site, parking must meet the minimum requirements for all uses.

- (2) For properties without an existing commercial entrance onto state-maintained roadways, an entrance permit must be obtained through the Virginia Department of Transportation.
- (3) Approval must be obtained from the Stafford County Agricultural/Purchase of Development Rights Committee for establishment of a farmers market. The Committee will maintain guidelines for location, management, and operation of farmers markets, and review any request to determine conformity with such guidelines. A sketch plan must be submitted through the Department of Planning and Zoning which depicts the entrance to the site, a designated vendor area, customer parking, and setbacks of the vendor area and parking area from property lines. The sketch plan must designate the size and location of any proposed structure, which must be in accordance with all applicable building code regulations.
- (4) A zoning permit must be obtained prior to operation.

BE IT FURTHER ORDAINED that this ordinance shall take effect on _____.