

Amended
Ordinance 1722

AN ORDINANCE TO AMEND ZONING ORDINANCE SECTIONS 2103, 3141, AND 3151
AND ADD NEW SECTIONS 4547 AND 4548 REGARDING THE ESTABLISHMENT AND
OPERATION OF FARMERS MARKETS

WHEREAS, it is necessary to update the Zoning Ordinance and to set forth standards for the establishment and operation of public and private farmers markets;

WHEREAS, legal notice and advertisement has been provided as required by law; and

WHEREAS, public necessity, convenience, general welfare, and good zoning practice require such action.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Blacksburg:

1. That Appendix A, Zoning Ordinance, Blacksburg Town Code, is amended and reordained, as follows:

Sec. 2103 Definition of terms and use types.

* * *

PRIVATE FARMERS MARKET - The open air sale of agricultural products such as vegetables, fruits, herbs, grains, mushrooms, flowers, potted or bedding plants, honey, meat, dairy or eggs directly to the public by a group of farmers or producers that occurs on a regular basis (once per week or more for a minimum of 26 weeks in a calendar year) on privately owned land. Handcrafted products (such as wooden furniture, textiles) or value added products (such as jam, beeswax candles) or other handmade food products (such as baked goods) may be sold, but sellers of these goods may not comprise the majority of the vendors. A Community Supported Agriculture pickup location, but not resale, shall be considered an accessory use to a Private Farmers Market. Flea markets, yard sales and auctions are not "Private Farmers Markets." A wayside stand or an individual selling such items from a truck is not "Private Farmers Market." This use is subject to compliance with the use and design standards contained in zoning ordinance § 4547.

PUBLIC FARMERS MARKET - The open air sale of agricultural products such as vegetables, fruits, herbs, grains, mushrooms, flowers, potted or bedding plants, honey, meat, dairy, or eggs directly to the public by a group of farmers or producers that occurs on a regular basis (once per week or more for a minimum of 26 weeks in a calendar year) on land owned by

the Town of Blacksburg. Handcrafted products (such as wooden furniture, textiles) or value added products (such as jam, beeswax candles) or other handmade food products (such as baked goods) may be sold, but sellers of these goods may not comprise the majority of the vendors. A Community Supported Agriculture pickup location, but not resale, shall be considered an accessory use to a Public Farmers Market. Flea markets, yard sales and auctions are not "Public Farmers Markets." A wayside stand or an individual selling such items from a truck is not considered "Public Farmers Market." This use is subject to compliance with the Use and Design Standards contained in section 4548.

* * *

[Downtown Commercial District]

Sec. 3141 Permitted uses.

(a) The following uses and structures are permitted by right subject to all other applicable requirements contained in this Ordinance:

Residential

Single-family Dwelling, Detached

Civic

Administrative Services

Community Recreation

Cultural Services

Day Care Center

Educational Facilities, Primary/Secondary

Home for Adults

Life Care Facility

Nursing Home

Open Space

Public Parks and Recreational Areas

Public Recreation Assembly

Religious Assembly

Safety Services

Shelter

Utility Services, Minor

Office*

Financial Institutions (without drive-through)

General Office†

Medical Office†

Commercial*

Brewpub

Clinic
Commercial Indoor Entertainment
Commercial Indoor Amusement
Communication Services
Consumer Repair Services
Funeral Home
Neighborhood Convenience Store
Parking Facility♦
Pawn Shop
Personal Improvement Services
Personal Services
Public Farmers Market
Restaurant, Fast Food
Restaurant, General
Restaurant, Small
Retail Sales
Specialty Shop
Studio, Fine Arts
Veterinary Hospital/Clinic

Miscellaneous
Accessory Structures

*Without external speakers only. Any use which incorporates an external speaker may be permitted only with a conditional use permit.

†On all floors except the ground floor.

♦Allowed on lots fronting Main Street only when other permitted commercial uses occupy the Main Street frontage.

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[General Commercial District]
Sec. 3151 Permitted uses.

(a) The following uses and structures are permitted by right subject to all other applicable requirements contained in this Ordinance:

Residential
Single-family Dwelling, Detached

Civic
Administrative Services

Community Recreation
Cultural Services
Day Care Center
Educational Facilities, Primary/Secondary
Educational Facilities, College/University
Home for Adults
Laboratory
Life Care Facility
Nursing Home
Open Space
Post Office
Public Parks and Recreational Areas
Public Recreation Assembly
Religious Assembly
Safety Services
Shelter
Utility Services, Minor

Office*

Financial Institutions
General Office
Medical Office

Commercial*

Adult Entertainment Establishment
Adult Store
Automobile Renting/Leasing
Automobile Parts/Supplies
Bed & Breakfast
Brewpub
Business Support Services
Car Wash
Clinic
Commercial Indoor Entertainment
Commercial Indoor Amusement
Commercial Indoor Sports and Recreation
Communication Services
Construction Sales and Services
Consumer Repair Services
Funeral Home
Garden Center
Grocery Store
Hospital
Hotel/Motel

Itinerant Vendor
Kennel, Commercial
Neighborhood Convenience Store
Parking Facility
Pawn Shop
Personal Improvement Services
Personal Services
Private Farmers Market
Public Farmers Market
Restaurant, Fast Food
Restaurant, General
Restaurant, Small
Retail Sales
Specialty Shop
Studio, Fine Arts
Veterinary Hospital/Clinic

Miscellaneous
Accessory Structures

*Without external speakers only. Any use which incorporates an external speaker may be permitted only with a conditional use permit.

* * *

Sec. 4547 Private farmers market.

(a) *An entity with written by-laws or regulations that govern the operation of the Private Farmers Market must exist or be established; a copy of these by-laws or regulations must be provided to the Administrator.*

(b) ~~*All agricultural products and handcrafted products are to be grown, raised or produced by the vendors within a 50-mile radius of the Town of Blacksburg. This shall be reflected in the by-laws of the market and an enforcement provision must also be included in the by-laws.*~~ *Any restrictions on the type of producers or the location where agricultural products or handcrafted products are to be grown, raised or produced shall be included in the by-laws or regulations of the market.*

(c) *One Private Farmers Market is allowed on a lot or parcel.*

(d) *Written permission is required from property owner(s) upon which the market is located.*

(e) *A Private Farmers Market must be at least one-half (1/2) mile from any other public or private farmers market, regardless of days of operation.*

(f) *A Private Farmers Market must have a minimum of five (5) vendors present as averaged over the season the market is in operation.*

(g) *Market size is limited to no more than 20 vendors on-site at any one time.*

(h) *Special events at a Private Farmers Market are allowed, subject to obtaining any required event permits. The number and type of special events must be specified in the market plan and include provisions to address public safety.*

(i) *All vendors at the market must display the name(s) of the producer(s) and the location(s) where goods were grown, raised or produced.*

~~(j) *Sellers at market vendor booths at a Private Farmers Market shall be limited to the farmer or producer, members of the farmer or producer's family or persons employed by the farmer or producer on property owned or leased by the farmer or producer. This shall be reflected in the by-laws of the market and an enforcement provision must also be included in the by-laws.*~~

(~~k~~j) *The market vendors must comply with all applicable local, state and federal regulations.*

(~~k~~) *Allowed signage to advertise the market includes a temporary banner sign of no greater than 32 square feet in area that can be displayed on market days and the day before market days. The location of the banner and how the banner will be displayed shall be shown in the Market Plan. The banner must be on the parcel where the market is conducted. The banner for the Private Farmers Market shall not be included as temporary signage allowed by the commercial uses on the same parcel.*

(~~ml~~) *Storage of materials for the Private Farmers Market is allowed and may be in a storage facility that is within a completely enclosed building in the commercial center or in a temporary facility, such as a trailer, located in the parking lot and behind the front building line. The storage facility must be shown on the Market Plan and locked when not in use. If the storage facility is located in the parking lot, it may occupy no more than 2 parking spaces. Any storage facility must meet district setbacks.*

(~~m~~) *Market facilities are designed to be temporary in nature and use the existing parking and infrastructure of the site. Any permanent open air structures or other permanent facilities require a Special Exception.*

(~~n~~) *Market materials such as tents, traffic cones, or other equipment shall be removed at the conclusion of the market day.*

~~(p)~~ A Market Plan shall be submitted to the Administrator for review and approval. The plan shall be updated in March of each calendar year. The Market Plan shall include the following:

- (1) Written by-laws or other operational regulations of the proposed market.
- (2) Written permission from the property owner(s).
- (3) The name and contact information for the Private Farmers Market contact person.
- (4) Documentation that the market has a website that contains information on location and hours of operation of the market and includes the by-laws or regulations of the entity operating the market.
- (5) The proposed layout of the Private Farmers Market, including booth locations, signage, any storage, vendor parking, access for vendors and patrons, and adequate safety measures to separate market patrons from vehicular traffic. Any parking intended to specifically serve the Private Farmers Market on market days must be shown on the Market Plan.
- (6) An assessment of the existing and required parking for the on-site commercial uses and the number of parking spaces unavailable during market operations. Private Farmers Markets may occupy required parking but shall not have such an impact as to create traffic safety or circulation problems or negatively impact the parking for existing commercial uses on the property.
- (7) Hours and days of operation. These may be modified as needed with a two week written notice to the Administrator.

~~(q)~~ Any exception to these standards shall be processed as a special exception request pursuant to zoning ordinance § 1112 and the following criteria shall be considered:

- (1) impact of special exception request on existing uses on the site;
- (2) compatibility with uses on adjacent parcels; and
- (3) traffic impacts and public safety.

Sec. 4548 Public farmers market.

(a) A Public Farmers Market shall only operate on a site designed for such use by the Town of Blacksburg. A Public Farmers Market location must be suitable to accommodate the impacts of the use and serve as a community gathering place in addition to providing access to local foods.

(b) A Public Farmers Market may only operate under a valid lease or license agreement with the Town of Blacksburg.

(c) An entity must exist or be established with written by-laws or regulations that govern the operations of the Public Farmers Market; a copy of these by-laws or regulations of

the organization must be submitted to the Administrator.

(d) ~~All agricultural products and handcrafted products are to be grown, raised or produced by the vendors within a 50-mile radius of the Town of Blacksburg. This shall be reflected in the by-laws of the market and an enforcement provision must also be included in the by-laws.~~ Any restrictions on the type of producers or the location where agricultural products or handcrafted products are to be grown, raised or produced shall be included in the by-laws or regulations of the market.

(e) The market must have a website that contains information on location, hours of operation of the market and include the by-laws or regulations of the organizing entity for the market.

(f) A market contact person must be identified and updated in March of each calendar year.

(g) All vendors at the market must display the name(s) of the producer and the location(s) where goods were grown, raised or produced.

(h) ~~Sellers at market vendor booths at a Public Farmers Market shall be limited to the farmer or producer, members of the farmer or producer's family or persons employed by the farmer or producer on property owned or leased by the farmer or producer. This shall be reflected in the by-laws of the market and an enforcement provision must also be included in the by-laws.~~

(ih) The market vendors must comply with all applicable local, state and federal regulations.

(ji) The Public Farmers Market must be at least one-half (1/2) mile from any other Public or Private Farmers Market, regardless of days of operation.

(kj) Storage for the market shall be as established in the lease or license agreement.

(lk) Signage for the market shall be as established in the lease or license agreement.

(ml) Special events and live music are allowed, subject to the provisions of the lease or license agreement and obtaining any required event permits.

(nm) Any exception to these standards shall be processed as a special exception request pursuant to zoning ordinance § 1112 and the following criteria shall be considered:

- (1) impact of special exception request on existing uses on the site;*
- (2) compatibility with uses on adjacent parcels; and*
- (3) traffic impacts and public safety.*

2. This ordinance shall be in effect upon its adoption.

Mayor

ATTEST:

Town Clerk

1st Reading: _____

2nd Reading & Adoption: May 13, 2014

APPROVED AS TO CONTENT:

Planning and Building

APPROVED AS TO LEGAL SUFFICIENCY:

Town Attorney