



COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT

M E M O R A N D U M

DATE: March 12, 2008

TO: Ray Giometti, Planning Commission Chair
Members of the Planning Commission

FROM: Thara Johnson, Associate Planner

SUBJECT: **Docket- 06-14 Zoning Districts permitting farmers markets, produce stands, mobile food vendors and temporary merchant vendors**

ISSUES: Should all commercial and industrial zoning districts permit outdoor retail sales as a by-right use? If permitted as a by-right use, are there some zoning districts which should be excluded from this allowance? Should certain districts be included as a by-right use? How do we classify mobile food vendors vs. vendors with regular merchandise? Should a time limit be imposed on non-food vendors?

RECOMMENDATION: Obtain feedback from the Commission to provide direction for recommendation.

BACKGROUND:

Currently, the City of Renton permits outdoor retail sales in six (6) zoning districts; Center Downtown (CD), Commercial Village (CV), Commercial Arterial (CA), Industrial Light (IL), Industrial Medium (IM) and Industrial Heavy (IH) zoning districts. However, within the zoning use tables (4-2-060 and 4-2-070), footnotes 15 and 30 restricts the type of outdoor retail sales permitted in the CD, CV, CA zoning districts and IL, IM and IH respectively. Footnote 15 restricts the type of outdoor retail sales to “*building, hardware and garden*” uses in the CD, CV, CA zoning districts. Footnote 30 limits the type of outdoor retail sales to “*sale of mobile or manufactured homes, building/hardware/ garden materials, lumberyards, and monuments/ tombstones/ gravestones*” in the IL, IM and IH zoning districts.

The definition of outdoor retail sales reads “*the display and sale of products and services primarily outside of a building or structure, including but not limited to garden supplies, tires and motor oil, produce sales, farmers’ markets, manufactured homes, burial monuments, building and landscape materials, and lumber yards. This definition excludes adult retail uses, or vehicle sales.*”

The definition of retail sales, outdoor appears to be in conflict with what is actually permitted within the zoning tables, since footnotes 15 and 30 preclude the uses of farmers markets and produce sales within the permitted zoning districts.

Administrative Interpretations/Policy Decisions

Due to the inherent conflict between the definition of “retail, outdoor sales” and the restricted types of uses permitted under the zoning tables, the Development Services Division made an interpretation/policy decision regarding retail, outdoor sales in November 2004. The policy decision determined, at that time, that retail, outdoor sales facilities should be considered allowed uses in at least a few of the City’s commercial zoning districts. Based on a review of the purposes and intent of the CA, CD and CV zoning districts, the Development Services Division determined that farmers markets, produce/ flower stands would be a compatible use with the original intent of the Renton City Council in creating these districts.

The provision of temporary uses within the City’s code allows for uses that are temporary in nature to be permitted in any zoning district. However, the process for Temporary Use permits is fairly stringent in terms of length of time and requirements for processing. Also, given the nature of the users in the case of produce vendors, flower stands and/or farmers markets which are mobile in nature, the requirements for a temporary use permit may be considered burdensome and excessive.

Additionally, the Development Services Division interpreted the code with respect to Temporary uses as only being applicable to uses that would not be regularly permitted in a respective zoning district. However, the uses of farmers markets, produce stands and similar uses are by-right uses in the CA, CD, CV, IL, IM and IH zoning districts, based on the November, 2004 determination and therefore, a Temporary Use permit application would not be the appropriate process to pursue.

Currently, the Development Services division processes such uses through a site plan review process and with the requirement that the applicant obtain a business license and approval from King County Department of Health. Additionally, issues of compatibility with the primary use, parking, and circulation are explored as part of the site plan review process.

Issue Discussion

The Renton municipal code allows for uses associated with vendors, i.e. farmer’s markets, produce and other vendors to be permitted in the CA, CD, CV, IL, IM and IH. However, the CN district does not permit such uses to be located in their respective zones. Therefore, one issue for discussion is the relevance of permitting uses such as vendors in the CN zoning district. The purpose statement of the CN zoning district reads, “to provide for small-scale convenience retail/commercial areas offering incidental retail and service needs for the adjacent area”. The proposed uses of farmers markets and mobile vendors with pushcarts would tend to be compatible with the small-scale local

character feel that was the intent of this district. In contrast, the purpose statement of the CD zoning district includes, “*is to provide a mixed-use urban commercial center serving a regional market as well as high-density residential development. Uses include a wide variety of retail sales, services, multi-family residential dwellings, and recreation and entertainment uses*”. Therefore, the location of temporary vendors within a retail zoning district which encourages mixed-use oriented development and regional markets would not be the appropriate venue for mobile food vendors, with the exception of mobile push carts which add an exciting element to the character of the area and enhance recreational and entertainment opportunities for the residents. However, uses akin to farmers markets and produce stands could be considered compatible uses, due to the emphasis on regional market users with a restriction on mobile food vendors and temporary merchant vendors. In light of this issue, the CD zoning district should be revised to permit farmers markets, and restrict mobile food vendors and temporary merchant vendors as permitted uses in the CD zoning district with the exception of pushcart vendors.

The CV and CA zoning districts also allow farmers markets and other temporary vendors as permitted subject to limitations under footnotes 15 and 30. The purpose statement for the CV zoning district reads “*The purpose of the Center Village Zone (CV) is to provide an opportunity for concentrated mixed-use residential and commercial redevelopment designed to urban rather than suburban development standards that supports transit-oriented development and pedestrian activity. Use allowances promote commercial and retail development opportunities for residents to shop locally. Uses and standards allow complementary, high-density residential development, and discourage garden-style, multi-family development*”. The scale and character of the CV zoning district is to encourage “*district-scaled retail and commercial development serving more than one neighborhood, but not providing City-wide services,*” thereby making temporary vendors and farmers market more conducive to this zoning district.

The purpose statement for the CA zoning district reads, “*the CA Zone provides for a wide variety of indoor and outdoor retail sales and services along high-volume traffic corridors*”. This describes the very nature of the temporary vendors and farmers markets, while also creating a very diverse streetscape.

The Light Industrial (IL), Medium industrial (IM) and Heavy industrial (IH) zoning districts which vary from light manufacturing to heavy fabrication, warehousing and distribution. These zoning categories while not retail in nature do permit the allowance of temporary vendors and similar types of uses, specifically mobile food vendors which provide a valuable service to the users within these districts.

Uses such as espresso stands, although not unique are prevalent in the City and are by right uses in zoning districts where “eating and drinking establishments” are permitted. The definition for eating and drinking establishments reads “*A retail establishment selling food and/or drink for consumption on the premises or for take-out, including accessory on-site food preparation. This definition includes, but is not limited to,*

restaurants, cafes, microbrew establishments, and espresso stands. This definition excludes taverns; fast food; entertainment clubs; dance clubs; and/or dance halls”.

Definitions for Farmers Markets, Mobile Food Vendors and Temporary Merchant Vendors

A survey of web-based information and other municipalities indicates that each jurisdiction varies in its measure of how each of the following are defined. Also, a pertinent issue arises based on the time limit to be placed on temporary merchant vendors and mobile food vendors. Variations in time limits placed on merchant vendors are prevalent, ranging from seven (7) days to one (1) year. Therefore, a matter up for discussion at the Planning Commission would be the maximum length of time to be placed on such uses. The following table summarizes differences found between a few jurisdictions in terms of time limits imposed on both temporary merchant vendors and mobile food vendors –

Jurisdiction	Food Vendors	Merchant Vendors
Redmond, Oregon	7 days	7 days
Issaquah, Washington	Temporary Use	Temporary Use
Kent, Washington	Hours of operation (Annual License)	Hours of operation (Annual License)
Redmond, Washington	Special Use	Special Use
Lafayette, Colorado	120 days	120 days

Farmers Market: A public market at which farmers and often other vendors sell agricultural produce, which includes the sale of flowers directly to consumers.

Mobile Food Vendor: is a person who sells at retail food or beverages, to the public from any vehicle, which is designed to be readily movable and located within the boundaries of the City. Mobile food vendors include push carts, mobile kitchens, hot dog carts, pretzel wagons, or similar uses. Foods are limited to prepackaged food unless the unit is equipped and approved to handle food preparation. Any unit that requires direct hand contact with the food shall have a hand washing sink and comply with King County Health Department requirements.

Temporary Merchant Vendor: Any person, whether owner or otherwise, who engages in a temporary business of selling and delivering goods, wares, merchandise and services within the City. Temporary merchant vendors includes the hiring, leasing or occupying of any building, structure or motor vehicle within the City that is used for the exhibition and sale of goods, merchandise or services, to a period of not more than ninety (90) days. This excludes the sale of food, produce and beverage services.

Revised Definitions

Currently, the definition for outdoor retail sales references “farmers markets and produce stands”, however, if uses such as mobile food vendors and temporary merchant vendors

are also to be included in this category, the following change to the definition is proposed:

“the display and sale of products and services primarily outside of a building or structure, including but not limited to garden supplies, tires and motor oil, produce sales, farmers’ markets, mobile food vendors, temporary merchant vendors, manufactured homes, burial monuments, building and landscape materials, and lumber yards. This definition excludes adult retail uses, or vehicle sales.”

Revised Tables

4-2-060 ZONING USE TABLE – USES ALLOWED IN ZONING DESIGNATIONS:

ZONING USE TABLE	RESIDENTIAL ZONING DESIGNATIONS								INDUSTRIAL			COMMERCIAL ZONING DESIGNATIONS								
	RC	R-1	R-4	R-8	RMH	R-10	R-14	RM	IL	IM	IH	CN	CV	CA	CD	CO	CO-R	UC-N1	UC-N2	
I. RETAIL																				
Adult retail use									P43	P43	P43		P43	P43	P43	P43				
Big-box retail									P72	P72	P72			P72				P79		
Drive-in/drive-through, retail									AC	AC	AC	AC	AC28	AC	AC28			AC78	AC80	
Eating and drinking establishments	P1	P1	P1	P1	P1	P1	H33	P42	P	P	P	P22	P	P	P	P12	P27	P81	P94	
Horticultural nurseries, existing	H	H	H	H	H	H	H	H	H	H	H	H		H	H	H	H	H		
Horticultural nurseries, new			H											AD38						
Retail sales							H33	AD	P34	P34	P34	P60	P	P68	P	P54	P21	P82	P95	
Retail sales, outdoor									P30	P30	P30	P15	P15	P15	P15					
Taverns													AD	P20	AD		P21	P82	P99	
Vehicle sales, large									P	P	P			P41						
Vehicle sales, small									P	P	P			P20						

4-2-070I COMMERCIAL NEIGHBORHOOD (CN): Retail uses will be amended to include “Retail sales, outdoor” as a category with type “P#15”, added in alphabetical order, which would place it fifth from last on the list of uses.

4-2-080 CONDITIONS ASSOCIATED WITH ZONING USE TABLES:

A. SUBJECT TO THE FOLLOWING CONDITIONS:

15. Use is limited to building, hardware, farmers markets, produce stands, mobile food vendors, temporary merchant vendors and garden. Except in the CD Zone, size

restrictions apply per RMC [4-2-120A](#). **In the CN and CD zone, temporary merchant vendors are not permitted and mobile food vendors are limited to pushcarts.**

30. a. **Uses are limited to:** Sales of mobile or manufactured homes, building/hardware/garden materials, lumberyards, **farmers markets, produce stands, mobile food vendors, temporary merchant vendors** and monuments/tombstones/gravestones.

b. Location Restrictions:

i. Building/hardware/garden sales and monuments/tombstones/gravestones sales are only allowed in the Employment Area Valley (EAV) land use designation. However, they are excluded from the area south of I-405 and north of SW 16th Street. See EAV Map in RMC [4-2-080B](#).

ii. Lumberyards are only allowed in the IM and IH Zones. However, they are excluded from the area south of I-405 and north of SW 16th Street.

COMPREHENSIVE PLAN COMPLIANCE: These changes comply with the Comprehensive Plan policies for the CN, CV, CA, IL, IM and IH zoning districts. There are a number of Comprehensive Plan policies associated with these six (6) zoning districts, policies LU-CCC, LU-DDD, LU-WWW, LU-YYY and LU-ZZZ. The policies encourage a diverse range of commercial and industrial activities which would be enhanced by the provision of street vendors and local users such as farmer markets. Additionally, it would aid in creating a unique sense of community to each district as well as by providing useful support services such as food vendors and espresso carts.

CONCLUSION: Revision of the zoning table to amend the disconnect between the intent of the respective zoning districts and the footnotes which excludes uses such as farmers markets, mobile food vendors and temporary merchant vendors from operating as a by-right use in the CN, CV, CA, IL, IM and IH zoning districts. The proposed revision includes restricting mobile food vendors and temporary merchant vendors to pushcarts in the CD and CN districts. Additionally, all of these uses are to be permitted in the CV and CA zones; which will further the objectives of the Comprehensive Plan policies and make for consistent development regulations.