

To the Mayor and Members of the City Council**January 26, 2016**

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**SUBJECT: FRESH MARKET MOBILE VENDORS AND PRODUCE CARTS IN RESIDENTIAL AREAS**

The purpose of this Informal Report is to initiate amendments to both the City Code and the Zoning Ordinance for Mobile Vendors and Pushcarts. The primary purpose of the amendments is to allow Mobile Vendors and Pushcarts selling fresh produce in residential zoning districts. These amendments support the Blue Zones initiative to bring fresh produce to residents in underserved areas where few stores provide healthy food choices. The amendments also support the Plan4Health Tarrant County collaborative, which received an American Planning Association grant to improve access to fresh, local food in three Southeast Fort Worth zip codes.

Mobile Vendors and Pushcarts both sell goods but differ in size and operation. Mobile Vendors operate out of a self-contained motorized vehicle, are regulated through the Zoning Ordinance, and receive a Vendor Certificate of Occupancy (VCO) from Planning and Development. Pushcarts are smaller, non-motorized and propelled manually by the operator and are regulated through the City Code by Code Compliance. Produce is currently allowed to be sold on both units, but only within nonresidential zoning districts.

The proposed amendments to the Zoning Ordinance will create a Fresh Market Mobile Vendor category with limits on the products that may be sold. To be considered a Fresh Market Mobile Vendor, no less than 75% of the inventory shall be fresh produce and the remainder may be prepackaged foods. The changes will allow produce sales from a mobile vendor on vacant lots in nonresidential districts with the permission of the property owner. They will also allow sales in residential zoning districts on property used for non-residential purposes such as schools and churches, but not on vacant lots. Fresh Market Mobile Vendors will also be permitted to function as a transient vendor (in one place less than 60 minutes) and as an on-street vendor, similar to the requirements of an ice cream truck.

The proposed amendments to the City Code include allowing Pushcarts on vacant lots in nonresidential districts and in residential zoning districts on property used for non-residential purposes such as schools and churches, similar to Fresh Market Mobile Vendors. Only one pushcart will be allowed on a property, except for schools where multiple Pushcarts may be allowed. The maximum size of the Pushcart will be increased to carry more produce into the neighborhoods. As an incentive, staff is proposing a reduced fee for Pushcarts selling at least 75% produce with the remainder prepackaged goods. Other regulations for mobile vendors and the Downtown pushcart slot auction process are not being amended with these proposals.

Staff will distribute these amendments to registered neighborhood associations for review. The proposed schedule is a Zoning Commission hearing and vote on February 10 for the Fresh Market Mobile Vendor amendment and City Council hearings and votes on March 1 for both amendments.

If you have any questions, please contact Jocelyn Murphy, Planning Manager, Planning and Development Department, at 817-392-6226, and Wyndie Turpen, Code Compliance Supervisor, Code Compliance Department, at 817-392-6982.

**David Cooke
City Manager**