



## STAFF REPORT

### Makers Market

Ordinance 2020-03

**From:** Alison Christie, Senior Planner  
**Thru:** Nicole Galehouse, AICP, Planning Division Manager  
**Thru:** Frank Miles, MPA, Director, Neighborhood Development Services  
**Date:** December 26, 2019

### ORDINANCE NO. 2020-03

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, TO CREATE SECTION 34-56 – MAKERS' MARKET VENDOR PERMIT; AMENDING SECTION 34-54 – DEFINITIONS; AND AMENDING APPENDIX A – CITY FEE STRUCTURE; PROVIDING FOR ADOPTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

<b>PROJECT:</b>	GEN-18-224, Makers Market
<b>REQUEST:</b>	Approval of Ordinance 2020-03
<b>APPLICANT:</b>	City of North Port
<b>OWNER:</b>	N/A
<b>LOCATION:</b>	Citywide Ordinance
<b>PROPERTY SIZE:</b>	N/A

## I. BACKGROUND

The National League of Cities recently released a report in conjunction with Etsy, Recast City, and the Urban Manufacturing Alliance on the importance of a City's maker economy. It identified maker-entrepreneurs as a growing subset of residents who sell handmade items for a profit either online or in-person through storefronts, craft fairs, pop-up markets, or to family and friends. These makers have identified a growing need for local homemade goods and sell a variety of items such as clothing, jewelry, baked goods, and more. Often the more traditional support systems provided by local governments for small businesses are not the types of services makers need. These makers are more likely to need assistance with services such as advertising, legal support, and connecting with other makers and potential customers rather than streamlined building permitting or access to loans.

These maker-entrepreneurs provide another opportunity for the City to grow and diversify its economic base. Through these microbusinesses and small-scale operations, it has the potential to develop and build a strong local economy. At present, the City of North Port does not have any regulations related to makers that would assist them with their microbusinesses.

Ordinance 2020-03 would serve to allow a makers market to operate in the City on no more than a quarterly basis, providing opportunities for makers to sell their products to more of their fellow residents in an additional capacity other than their home.

## II. REVIEW PROCESS

Staff reviewed this text amendment to the City Code and found it is consistent with the City's Comprehensive Plan. The ordinance was reviewed by the Department of Parks & Recreation for the impact to City parks and by Risk Services to determine if insurance was required. The City Attorney reviewed and approved Ordinance 2020-03 as to form and correctness.

## III. DATA & ANALYSIS

The proposed text amendment includes several key elements that permit a makers market within the City of North Port:

- Creation of a Makers Market Vendor Permit;
- Establishment of locations and timing where a makers market may operate; and
- Regulations for the operation of a makers market.

The regulations proposed by staff were modeled after the regulations adopted for mobile food vendors and were modified based on input from the City Commission. The language proposes makers markets take place on a quarterly basis and operate on city property. Vendors must obtain a permit, which is valid for 12 months, and register for each makers market individually. Once registered, they will be assigned a specific area at the event. The Makers Market Vendor Permit (MMVP) sets out requirements for the application, which includes contact information, a description

of the items to be sold, and a notarized signature agreeing to abide by these regulations. If the permit is for a cottage food operator, a sample product label is also required.

The Makers Market will occur no more than quarterly, as determined by the City Manager or designee, and will occur on city property. Vendors may only operate within specific areas designated for such. The dates and locations of the Makers Markets will be noticed on the City's website.

The proposed amendment also details enforcement procedures and fees.

## COMPREHENSIVE PLAN

### **Goal 1, Future Land Use Element**

The first goal of the Future Land Use Element is to properly locate land uses so as to "maximize the economic benefit and enjoyment of natural and man-made resources" while "minimizing the threat to health, safety, and welfare".

Staff Findings: Goal 1 of the Future Land Use Element (FLUE) sets out a target to maximize potential economic benefit while minimizing the threat to the public. The proposed text amendment allows residents who create handmade products a space to sell their goods for a profit. This both benefits the City's economy and maximizes enjoyment for the City's residents. The Fire Chief or designee has the ability to enforce in the event of a violation.

**Staff concludes that the proposed text amendment is consistent with Goal 1 of the FLUE of the Comprehensive Plan.**

### **Objective 3, Future Land Use Element**

This objective is to increase and diversify the City's economic base through planning and development activities to attract new businesses and industries while encouraging the expansion of existing businesses and industries.

Staff Findings: The proposed text amendment adds a new way for people to do business within the City of North Port, expanding on existing opportunities. Makers Markets allow those who were limited to selling goods to friends and family or online to have a venue to sell locally to their fellow residents and neighbors.

**Staff concludes that the proposed text amendment is consistent with Objective 3 of the FLUE of the Comprehensive Plan.**

### **Policy 4.19, Future Land Use Element**

This policy is to encourage and support site and building design features that promote and support gathering points in the neighborhood and stimulate social relationships.

Staff Findings: Though the Makers Markets will take place on city property, many of these properties are centrally located within neighborhoods and already offer gathering points for residents. By locating Makers Market events in these areas, residents can shop and support local microbusinesses and meet their neighbors in the process. This provides an additional opportunity to form social relationships and foster connections between residents and City.

**Staff concludes that the proposed text amendment is consistent with Policy 4.19 of the FLUE of the Comprehensive Plan.**

**COMMISSION  
DIRECTION**

At the June 11, 2019 Commission Special Meeting, the City Commission heard the topic of a makers market and reviewed a draft ordinance provided by staff. Discussion included direction to include the prior Commission suggested changes and to allow the event at various locations. A motion was made for staff to bring back the draft reading as presented to Commission for first reading of the actual ordinance.

## IV. PUBLIC NOTICE & HEARING SCHEDULE

**PUBLIC NOTICE**

Notice of the public hearing will be advertised in a newspaper of general circulation within the City of North Port ten days prior to second reading pursuant to the provisions of Section 166.041(3)(a), Florida Statutes and Section 7.01(c) of the Charter of the City of North Port.

**PUBLIC HEARING  
SCHEDULE**

<b>City Commission 1st Reading Public Hearing</b>	January 14, 2020 10:00 AM or as soon thereafter
<b>City Commission 2nd Reading Public Hearing</b>	January 28, 2020 6:00 PM or as soon thereafter

## V. RECOMMENDED ACTION

Staff recommends **APPROVAL** of Ordinance 2020-03, providing regulations for a markers market within the City of North Port.

## VI. EXHIBITS

**Exhibits:**

A. Ordinance 2020-03



# City of North Port

## ORDINANCE NO. 2020-03

**AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, AMENDING THE CODE OF THE CITY OF NORTH PORT, FLORIDA, TO CREATE SECTION 34-56 – MAKERS’ MARKET VENDOR PERMIT; AMENDING SECTION 34-54 – DEFINITIONS; AND AMENDING APPENDIX A – CITY FEE STRUCTURE; PROVIDING FOR ADOPTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

1 **WHEREAS**, there is an increasing demand for an organized event space where vendors can market and  
2 sell cottage foods and handmade and hand-crafted merchandise and art; and  
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4 **WHEREAS**, on April 2, 2018 and July 5, 2018, the City Commission held properly noticed workshops to  
5 discuss the creation of a makers market, to provide an organized event space for those vendors in the  
6 City; and  
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8 **WHEREAS**, on February 7, 2019 and June 11, 2019, the City Commission held properly noticed meetings  
9 to discuss the logistics of a makers market; and  
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11 **WHEREAS**, the City Commission has determined that the proposed amendments to the Code of the City  
12 of North Port serve the public health, safety, and welfare of the citizens of the City of North Port, Florida.  
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14 **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA:**

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16 **SECTION 1 – FINDINGS**

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18 1.01 The recitals outlined above are incorporated by reference as findings of fact as if expressly set  
19 forth herein.  
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21 **SECTION 2 – ADOPTION**

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23 2.01 Chapter 34 of the Code of the City of North Port, Florida is hereby amended as follows:  
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25 **“Chapter 34 – LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS**

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27 **ARTICLE III. – BUSINESS PERMITS**  
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**Sec. 34-54. – Definitions.**

When used in this article, the following terms and phrases shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

(1) Cottage food operator. A person who produces or packages cottage food products at their residence and sells such products in accordance with F.S. Section 500.80.

(2) Cottage food product. Food that is not a potentially hazardous food, as defined by the Florida Department of Agriculture and Consumer Services, and which is sold by a cottage food operator in accordance with F.S. Section 500.80.

(3) ~~(1)~~ Ice cream truck. A motorized vehicle or vehicle-mounted trailer from which only prepackaged, individually portioned frozen novelties or desserts, such as ice cream sandwiches, frozen yogurt bars, popsicles, or other frozen dessert products defined in F.S. Section 502.012, are sold.

(4) Maker. An artist or craftsperson who creates or manufactures handmade goods for individual sale, such as individually crafted artwork, jewelry, furniture, sculpture, pottery, leathercraft, hand-woven articles, and related items.

(5) Maker’s market. An outdoor marketplace located on city property, where those with a valid makers market vendor permit can display and sell their products.

(6) ~~(2)~~ Mobile food vendor. The operator of a motorized vehicle or vehicle-mounted trailer used for the operation of food service activities or for the operation of an ice cream truck.

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**Sec. 34-56. – Makers market vendor permit.**

(a) Applicability. All vendors operating at a marker’s market must have a valid, city-issued makers market vendor permit.

(b) Permit requirement. When operating at a makers market, a permittee must have its makers market vendor permit available for inspection at all times. Only cottage food operators may sell food products at a makers market.

(1) Duration. A makers market vendor permit is valid for one (1) year from the date of issue.

(2) Fee. An applicant must pay the makers market vendor permit fee when submitting an application for a makers market vendor permit.

(3) Application. An applicant for a makers market vendor permit must submit a complete permit application to obtain or renew a makers market vendor permit. At a minimum, the permit application must include all the following:

a. The name, address, phone number, and email address for the applicant;

b. A list or description of all items intended to be sold and the proposed display setup;

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c. Cottage food operators intending to sell cottage food products must submit a sample product label for each food product they will offer for sale in order to demonstrate compliance with Florida Department of Agriculture and Consumer Services regulations; and

d. The applicant's notarized signature acknowledging review of, and agreement to abide by, the regulations set forth in this section and attesting that the applicant has not had a city-issued makers market vendor permit revoked for any reason in the previous two years.

(c) Location and timing. The makers market will be located on city property, and will occur no more than quarterly, as determined by the city manager or designee. Permittees may only operate within the areas designated for their operation by the city manager or designee. The city will provide notice of the date and location of each makers market on the city website.

(d) Registration. For each makers market, permittees must register on the city's website to operate as a vendor.

(1) City residents. Permittees that are city residents may register immediately, on a first-come, first-served basis.

(2) Non-residents. Ten (10) days after registration opens for city residents, all other permittees may register for the remaining vendor spaces.

(e) Operation.

(1) Hours. Vendors may operate only during the posted operating hours of a maker's market. Vendors may have one hour prior to, and one hour after, the posted operating hours to set up and breakdown operation.

(2) Assigned area. Vendors may only operate within their assigned area. No assigned area shall exceed twelve feet (12') by twelve feet (12'). No tent, canopy, or similar device used by a vendor may be larger than ten feet (10') by ten feet (10').

(3) Access. Vendors must not operate in any location that impedes, endangers, or interferes with the ingress or egress of pedestrians, traffic, building entrances, or emergency exits.

(4) Trash and recycling. Vendors must provide receptacles for trash and recycling, and are responsible for the proper disposal of all waste generated in their assigned area, which must be kept neat and orderly at all times. All garbage or trash must be removed prior to a vendor's departure.

(5) Fire extinguishers.

a. All vendors utilizing a generator or open-flame must have a 2-A:10B:C fire extinguisher in their assigned area.

- 127                    b. All vendors utilizing a food fryer must have a 2-A:10B:C fire extinguisher and a
- 128                    Class K fire extinguisher in their assigned area.
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- 130                    c. Vendors must comply with any additional fire extinguisher requirements as
- 131                    determined by the fire chief or designee.
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- 133                    d. All fire extinguishers must be properly tagged, inspected, and tested annually per
- 134                    NFPA 10, Standard for Portable Fire Extinguishers.
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- 136                    (f) Prohibited sales.
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- 138                    (1) The sale of alcoholic beverages is prohibited.
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- 140                    (2) Items that are obscene, offensive, or are otherwise deemed inappropriate by the city are
- 141                    prohibited.
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- 143                    (g) Enforcement. Any code enforcement officer, sworn law enforcement officer, or the fire chief
- 144                    or designee may initiate enforcement proceedings for a violation of this section. This section
- 145                    shall be enforced by the city’s hearing officer pursuant to Chapter 2, Article IX of this Code.
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- 147                    (1) The city manager or designee may immediately revoke a makers market vender permit
- 148                    by providing written notice to the permittee upon the occurrence of any of the following:
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- 150                    a. The state agency having jurisdiction over the maker, cottage food operator, or the
- 151                    products sold thereby, revokes or terminates the license or permit allowing their
- 152                    continued operation; or
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- 154                    b. Pursuant to order of the city’s hearing officer.
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- 156                    (2) The city’s hearing officer may order any penalty authorized under Chapter 2, Article IX of
- 157                    this Code if the hearing officer determines that a permittee has failed to abide by the
- 158                    regulations set forth herein, and may also order the revocation of a makers market vendor
- 159                    permit upon finding any of the following:
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- 161                    a. A repeat violation of this Code within the preceding twelve (12) months;
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- 163                    b. The permittee no longer qualifies for the issuance of a new makers market vendor
- 164                    permit;
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- 166                    c. The state agency having jurisdiction over the permittee, or the items sold by the
- 167                    permittee, revokes or terminates the license or permit allowing for their continued
- 168                    operation; or
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- 170                    d. The city-issued the makers market vendor permit based upon the applicant providing
- 171                    false information, a misrepresentation of material fact, or a mistake of fact or law.
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- 173                    (3) Upon the effective date of revocation of a makers market vendor permit, a maker or
- 174                    cottage food operator will not qualify for a new makers market vendor permit for a period
- 175                    of twenty-four (24) months.

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**Sec. ~~34-57~~ ~~34-56~~ – 34-100. – Reserved.”**

2.02 Appendix A of the Code of the City of North Port, Florida is hereby amended as follows:

**“APPENDIX A – CITY FEE STRUCTURE**

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**B. PLANNING AND ZONING FEES**

PLANNING AND ZONING FEES	
...	
FEMA research letter	\$100.00
<u>Makers market vendor permit</u>	<u>\$100.00</u>
...”	

**SECTION 3 – CONFLICTS**

3.01 In the event of any conflict between the provisions of this ordinance and any other ordinance or portions thereof, the provisions of this ordinance shall prevail to the extent of such conflict.

**SECTION 4 – SEVERABILITY**

4.01 If any section, subsection, sentence, clause, phrase, or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 5 – CODIFICATION**

5.01 In this ordinance, additions are shown as underlined and deletions as ~~strikethrough~~. Any additional codification information and notations appear in *italics*. These editorial notations shall not appear in the codified text.

**SECTION 6 – EFFECTIVE DATE**

6.01 This ordinance shall take effect immediately upon adoption by the City Commission of the City of North Port, Florida.

READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida in public session this 14<sup>th</sup> day of January 2020.

PASSED and ADOPTED by the City Commission of City of North Port, Florida on the second and final reading in public session this 28<sup>th</sup> day of January 2020.

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CITY OF NORTH PORT, FLORIDA

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DEBBIE MCDOWELL  
MAYOR

ATTEST

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HEATHER TAYLOR, CMC  
INTERIM CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS

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AMBER L. SLAYTON  
CITY ATTORNEY