

**ORDINANCE #2009- 13**

**AN ORDINANCE OF THE CITY OF DORAL, FLORIDA, AMENDING THE CITY'S LAND DEVELOPMENT CODE TO PERMIT PRIVATELY RUN FARMERS' MARKETS; PROVIDING FOR RENUMBERING, CODIFICATION, CONFLICT, SEVERABILITY AND AN EFFECTIVE DATE.**

WHEREAS, at its meeting of August 22, 2007, the City Council of the City of Doral adopted its first Land Development Code; and

WHEREAS, Farmer's Markets are encouraged pursuant to the City's Green Master Plan in the Section entitled "City Agriculture."

WHEREAS, permitting Privately Run Farmers' Markets will further signify the City's commitment to the responsible use of local resources.

WHEREAS, the City Council of the City of Doral has reviewed the proposed revision to the Land Development Regulations to confirm consistency with the City's Comprehensive Plan, and has conducted all necessary public hearings for the adoption by the City of the Land Development Regulations;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF DORAL:

Section 1. The foregoing "WHEREAS" clauses are hereby ratified and confirm as being true and correct and hereby made a specific part of this Ordinance upon adoption hereof.

Section 2. The City Council of the City of Doral hereby adopts the Land Development Regulations, incorporated herein;

## Farmers' Markets

### (a) Definitions

1. Private Farmers' Market: An occasional or periodic sales activity held in an outdoor open area, possibly under tents, where groups of individual sellers offer fresh produce, and other related goods for sale to the public, not to include private garage sales or similar activities held by houses of worship and other nonprofit organizations.

### (b) Standards

1. Private Farmers' Markets shall be permitted upon approval by a Public Hearing on all commercial and industrial zoning districts. Additionally, Farmer's Markets are permitted in the DMU, CMU, TND and PUD districts and on property that is encumbered with power lines regardless of zoning.
2. Private Farmers' Markets held on private property shall be permitted to operate on Friday's from 12:00 pm until sundown, on Weekends from sunrise to sundown and on legal holidays which fall on a Monday. Permits for a Private Farmers' Markets may be issued for a maximum length of 4 consecutive months per year. Additional time may be considered by the City Council through a full resubmittal of the Private Farmers' Market Application pursuant to section (c) below.
3. A maximum of two Private Farmers' Markets may be permitted to operate at the same time.
4. No person shall vend fresh fruits, vegetables, or other produce or operate a farmer's market without a valid food establishment permit issued by the Florida Department of Agriculture and Consumer Services.
5. The owner or operator of the the Farmers' Market shall obtain a notarized letter from the property or business owner stating that the market has permission to operate a farmer's market on the property.
6. Fresh fruits, vegetables or other produce displays shall be confined to the tables that are at least 6 inches above the ground.
7. Conveniently located toilet facilities, including a handwash lavatory with hot and cold water, and parking shall be available for market vendors and patrons. The total number parking

spaces shall be at a ratio of one space for every 100 square feet of sales area. Location of such facilities shall be determined on a case-per-case basis, including review by the City's Planning and Zoning, Public Works and Building Departments.

8. The proposed site shall front on a section, half-section or quarter section line roadway.
9. All trash, refuse and garbage must be removed from the site at the end of each day.

(c) Submittal Requirements

1. Name, address and telephone number of the applicant and, if a business name, the name of the individual owner of the business.
2. General description of products being sold.
3. Each vendor must submit a valid food establishment permit issued by the Florida Department of Agriculture and Consumer Services.
4. Site plan indicating the layout of the market including, but not limited to sales areas, location of tents, parking, lavatories, signage and traffic control areas.
5. A certificate of insurance naming the City of Doral as the beneficiary that will be in full force and effect during the operation of the Farmer's Market in the amount of \$1,000,000.
6. The applicant shall pay an application fee of \$350.00 when the application is filed.

(d) Sale of the following is prohibited:

1. Live Animals.
2. Any Alcoholic Beverages.
3. Any food processed, packed or prepared at a home or other source not approved by federal, state or municipal health authorities or inspected by federal, state or municipal health authorities.

Section 3. Renumbering. To the extent necessary, the sections of the Land Development Regulations, as well as provisions of previously approved Ordinances to be included within the codified Land Development Regulations, may be renumbered or re-lettered to accomplish the codification authorized herein.

Section 4. Severability. That if any section, subsection, sentence, clause, phrase, work or amount of this ordinance shall be declared unconstitutional or invalid by competent authority, then the remainder of the ordinance shall not be affected thereby, and shall remain in full force and effect.

Section 5. Repeal of Conflicting Provisions. That all ordinances or parts of ordinances or resolutions of the County Code made inconsistent or in conflict herewith shall be and they are hereby repealed in their entirety as there is conflict or inconsistency.

Section 6. Inclusion in Code. It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the City of Doral Code; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section " or other appropriate word.

Section 7. Effective Date. This Ordinance shall become effective as provided by law.

The foregoing Ordinance was offered by Councilman Van Name who moved its adoption. The motion was seconded by Vice Mayor DiPietro and upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Michael DiPietro	Yes
Councilmember Peter Cabrera	Yes
Councilwoman Sandra Ruiz	Yes
Councilmember Robert Van Name	Yes

PASSED and APPROVED on FIRST READING this 13<sup>th</sup> day of May, 2009.

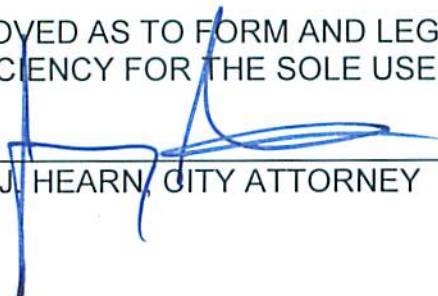
PASSED and ADOPTED on SECOND READING this 10<sup>th</sup> day of June, 2009.

  
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JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:

  
\_\_\_\_\_  
BARBARA HERRERA, CITY CLERK

APPROVED AS TO FORM AND LEGAL  
SUFFICIENCY FOR THE SOLE USE OF THE CITY OF DORAL:

*for*  
  
\_\_\_\_\_  
JOHN J. HEARN, CITY ATTORNEY