

**ORDINANCE No. 2014-47**

**AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING CHAPTER 74, ARTICLE XII, "FARMERS' MARKET" OF THE LAND DEVELOPMENT CODE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE**

**WHEREAS**, on August 22, 2007, the City Council of the City of Doral (the "City") adopted its first Land Development Code; and

**WHEREAS**, Farmers' Markets are encouraged pursuant to the City's Green Master Plan in the Section entitled "City Agriculture"; and

**WHEREAS**, permitting Farmers' Market will further signify the City's commitment to the responsible use of local resources; and

**WHEREAS**, Farmers' Markets within the City allow residents to obtain locally grown, healthy, and affordable foods or other goods; and

**WHEREAS**, such markets help support local business as well as the local economy; and

**WHEREAS**, the City council finds it necessary to encourage Famers' Markets, but also provide reasonable regulations in order to protect the residents of the City; and

**WHEREAS**, the City council, sitting as the Local Planning Agency, has reviewed this ordinance and recommends approval; and

**WHEREAS**, the City council finds that this ordinance is in the best interest and welfare of the residents of the town.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DORAL<sup>1</sup>:**

**Section 1. Recitals.** The foregoing recitals are hereby true, correct, and incorporated herein by this reference.

**Section 2. Farmers' Market Regulations.** The City Council hereby adopts Farmers' Market regulations as follows:

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<sup>1</sup> Coding: underlined words are additions to existing text, ~~struck through~~ words are deletions from existing text, shaded text reflects changes made from First Reading.

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Sec. 74-861. Definitions.

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

Farmers' Market~~Private Farmers' Market~~ means an occasional or periodic sales activity held in an outdoor open area, possibly under tents, where groups on 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.

Sec. 74-862. Standards Intent.

The intent of the Farmers' Market is to provide commercial opportunities for vendors to promote and sell fresh produce and locally produced products. A local product is defined as one that is produced in the State of Florida and is not a processed product distributed widely outside the state. Vendors at the Farmers' Market must certify on their application to the sponsor of the market that all of the products that they offer for sale at the Farmers' Market are either fresh produce or local products as defined above.

Sec. 74-863. Submittal Requirements Application and Approval.

An application, on a form provided by the City, shall be filed by the property owner or authorized agent prior to a Farmers' Market occurring within the City. Upon the filing of a complete application, including the applicable permit fee, City staff shall review the application for consistency with the requirements of this Ordinance. After review, the City Manager or designee may approve, with conditions, or deny the application.

The following shall be required with the submission of the Farmers' Market application:

- (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 the products being sold.
- (3) Each vendor must submit a valid food establishment permit issued by the state department of agriculture and consumer services.
- (4) Site plan consistent with the requirements set forth in Sec. 74-866.
- (5) A certificate of insurance naming the city as additional insure will be in full force and effect during the operation of the Farmers' Market in the amount of \$1,000,000.

- (6) Once a complete application is filed and reviewed it shall be advertised and schedule for public hearing in accordance with Section 74-861(2).

Sec. 74-864. Prohibited Sales Farmers' Market Manager or Operator Responsibilities.

Each Farmers' Market shall have a designated market manager who is in charge of running the market and enforcing all applicable health and safety regulations, and permit requirements. The market manager shall be responsible for maintaining a vendor log which includes copies of each vendor licenses and required permits. This information shall be readily available to city officials during the operations of the Farmers' Market. The market manager shall provide his/her address, telephone number(s), and email address to the City prior to the event occurring.

The market manager or operator of the Farmers' Market shall obtain a notarized letter from the property or business owner stating that the market has permission to operate a Farmers' Market on the property.

Sec. 74-865. Hours of Operation, Days, and Set-Up Time.

- (1) Hours of Operation. A Farmers' Market may be operated within the City of Doral between the hours of 9:00 a.m. and 4:00 p.m.
- (2) Days. A Farmers' Market on a property shall occur only on a Saturday or Sunday but not on both days.
- (3) Set Up Time. A Farmers' Market shall be set up a maximum of two (2) hours prior to the event occurring.

Sec. 74-866. Site Plan.

A site plan shall be submitted for approval to the City Manager or designee, which depicts, at a minimum, the location of vendors, ingress and egress, parking, lavatories, signage, traffic control areas, and setbacks. The site plan is a legally binding document that shall be strictly enforced by the City Manager or designee to ensure that the market is operated consistent with standards outlined in this Ordinance.

Sec. 74-867. 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.~~
- (1) The minimum lot size for a Farmers' Market shall be two and one-half (2½) acres.
  - (2) Farmers' Markets shall be permitted upon approval by a public hearing on all commercial and industrial zoning districts. Additionally, Farmers' Markets are permitted in the DMU, CMU, TND and PUD districts and on property that is encumbered with power lines regardless of zoning. No Farmers' Market shall be operated on any properties that are within 100 500 feet along Doral Boulevard.
  - (3) A maximum of two (2) Farmers' Markets may be permitted to operate at the same time within the jurisdiction of the City of Doral. The approved Farmers' Market operator shall administratively renew his/her permit(s) with the City and pay an annual fee of \$350.00. If the permit(s) is not renewed by October

- 1<sup>st</sup> of each year, the Applicant will lose his/her rights to operate a Farmer's Market in the City of Doral.
- (4) All uncooked food or goods shall be located on tables and under prefabricated tents. Tents shall be a maximum of ten (10) feet multiplied by ten (10) feet, unless otherwise approved by the City. The number of tents shall not exceed 20 tents, unless approved by the City Manager or designee.
  - (5) Fresh fruits, vegetables or other produce displays shall be confined to the tables that are at least one (1) foot above the ground.
  - (6) A Farmers' Market, including, but not limited to, vendors, tents, tables, and chairs shall have a minimum setback from the property line as follows: (a) Front: twenty (20) feet; (b) Side: ten (10) feet; if side street, twenty (20) feet if adjacent to residential; and (c) Rear: twenty (20) feet.
  - (7) The minimum off-street parking requirements for a Farmers' Market shall be as follows: (a) one (1) parking space for every 100 square feet of sales area; and (b) one (1) oversized space for truck/trailer parking per stall. Access to such parking shall be through the entrance area for ingress and egress to the site and shall be clearly marked with directional signs.
  - (8) All parking for Farmers' Markets shall be on-site, and shall be located as depicted on the approved site plan and prohibited on the swales of all roads.
  - (9) Cooked Food
    - a) Cooked Food. Farmers' Market may include cooked food upon the applicant demonstrating approval by all applicable county and state agencies, which may include, but are not limited to, the county health and fire department as well as the Florida Department of Business and Professional Regulation. All food shall be removed from the property after the closing of the Farmers' Market each day.
    - b) Food Handling. If open food is to be handled, proper utensils (such as spoons, single-use gloves, and deli tissue) must be provided and used. Bare hand contact with ready-to-eat open food is prohibited.
    - c) Protection from Food Contamination. Food products must be kept shielded and protected from contamination by consumers at all times during storage, preparation and service.
  - (10) The proposed site shall front on a section, half-section or quarter section line roadway.

- (11) The market manager shall be responsible for the clean-up of the Farmers' Market. The Farmers' Market shall be completely cleaned up within two (2) hours after the closing of the market, which includes, but is not limited to, the removal of all trash, refuse and garbage, tents, tables, and vendors. All trash, refuse and garbage removed from the site shall be placed in appropriate containers. The site occupied by the market and surrounding swales shall be kept clean and free of accumulated trash, refuse or garbage resulting from any aspect of the market operation. All discarded fresh fruits, vegetables, produce or other food or byproduct shall be sealed in plastic bags and discarded in appropriate waste containers.
- (12) Portable toilets are required. All Such required portable toilets shall have the all necessary required permits, and shall be removed from the property no later than the following day. Portable toilets will not be required, if there are toilet facilities available within less than 200 feet from where the Farmer's Market is located, and the operator has written consent from the businessowner(s) or his/her designee that such facilities are available to the Farmer's Market patrons. The operator shall provide toilet facilities that meet and/or further the American with Disabilities Act (ADA) requirements.
- (13) Only one (1) advertising sign shall be permitted on site and limited to 16 square feet consistent with Sec. 80-209 thru 211, Outside Sale/Sites without Buildings of the City's Land Development Regulations.

Sec. 74-868 Permitted Products. Farmers' Markets sales shall be limited to the following:

- (1) Edible farm products including, but not limited to, fruits and vegetables, provided that a majority of the agricultural products offered for sale are grown in Miami-Dade County.
- (2) Plants.
- (3) Teas and spices.
- (4) Locally prepared food such as jams, jellies, breads, cakes and similar products.
- (5) The on-site preparation of juices, smoothies, coffee, and similar items is allowed.
- (6) Except as provided herein, the on-site cooking of food shall be prohibited. It is provided, however, that microwaves, hot plates, Sterno, or other similar warming devices may be used to warm pre-cooked foods.

(7) At least fifty-one (51) percent of the products sold shall be fruits, vegetables and plants.

Sec. 74-869 Prohibitions. The following shall be prohibited at outdoor markets:

- (1) Any alcoholic beverages (consumed or sold).
- (2) Bandstand or stage.
- (3) Live animals.
- (4) Games, mechanical rides, or other amusement devices.
- (5) 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.

Sec. 74-870. Indemnification and Hold Harmless. If the Farmers' Market is to be held on City-owned or leased property, the person or entity organizing the Farmers' Market shall agree to enter into an indemnification and hold harmless agreement with the City in a form acceptable to the City Attorney.

Sec. 74-871. Enforcement. A violation of the provisions of this ordinance or any condition of approval shall result in the revocation of the permit and a code enforcement violation enforced pursuant to the City's code enforcement procedures.

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**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 Code, may be renumbered or re-lettered to accomplish the codification authorized herein.

**Section 4. Severability.** 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. Conflicts.** 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.

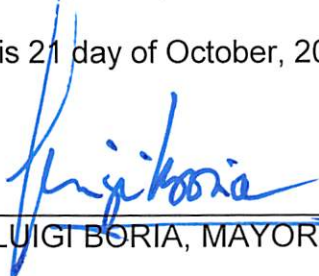
**Section 7. Effective Date.** This Ordinance shall be effective as provided by law.

The foregoing Ordinance was offered by Councilmember Fraga who moved its adoption. The motion was seconded by Councilmember Rodriguez and upon being put to a vote, the vote was as follows:

Mayor Luigi Boria	Yes
Vice Mayor Sandra Ruiz	Yes
Councilman Pete Cabrera	Yes
Councilwoman Christi Fraga	Yes
Councilwoman Ana Maria Rodriguez	Yes

PASSED AND ADOPTED on First Reading this 16 day of September, 2015.

PASSED AND ADOPTED on Second Reading this 21 day of October, 2015.




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LUIGI BORIA, MAYOR

ATTEST:




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CONNIE DIAZ, CITY CLERK

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




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WEISS, SEROTA, HELFMAN, COLE, & BIERMAN, PL  
CITY ATTORNEY