MEMORANDUM

Agenda Item No. 7(A)

TO:	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	**DATE:**	July 1, 2014
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Ordinance relating to zoning; providing for Farmers' Markets in certain zoning districts; amending Section 33-13, of the Code

A substitute was presented and forwarded to the BCC with a favorable recommendation at the 6-12-14 Land Use & Development Committee. This substitute differs from the original in that the words "or South Florida" have been removed from the requirements in the Certificate of Use package. This substitute also adds language exempting County parks, stadiums and racetracks from the requirements of the ordinance.

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Vice Chair Lynda Bell.

R. A. Cuevas, Jr.
County Attorney

RAC/smm

Memorandum

MIAMI-DADE COUNTY

Date: July 1, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Subject: Ordinance Relating to Zoning; Providing for Farmers' Markets in certain Zoning Districts; Amending Section 33-13, of the Code of Miami-Dade county, Florida

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This proposed ordinance amends section 33-13 of the Code of Miami-Dade County providing for farmers markets in certain zoning districts. Implementation of this ordinance will not have a fiscal impact to the County.

Jack Osterholt
Deputy Mayor

Fis7214

MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: July 1, 2014

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 7(A)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**

_____ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(A)
7-1-14

ORDINANCE NO. _____

ORDINANCE RELATING TO ZONING; PROVIDING FOR FARMERS' MARKETS IN CERTAIN ZONING DISTRICTS; AMENDING SECTION 33-13, OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

WHEREAS, this Board desires to accomplish the purposes described in the accompanying memorandum,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

Section 1. Section 33-13 of the Code of Miami-Dade County is hereby amended as follows:[1]

Sec. 33-13. Unusual uses.

* * *

>>(i) *Farmers' Markets* may be operated on BU and IU properties and on properties having a current certificate of use and occupancy for church, school, museum, hospital, parks or government facility without a public hearing, provided:

(1) Farmers' markets shall not operate more than once a week, from sunrise to sunset. A farmers' market operator seeking hours past sunset or additional days shall provide waivers of objection from fifty (50) percent of the property owners within a two-hundred and fifty (250) foot radius of the farmers' market use.

(2) Farmers' markets sales shall be limited to the following:

[1] Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

(i) 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.

(ii) Plants.

(iii) Teas and spices.

(iv) Locally prepared food such as jams, jellies, breads, cakes and similar products.

(v) The on-site preparation of juices, smoothies, coffee, and similar items is allowed.

(vi) 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.

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

(3) Farmers' markets may host healthy living, educational sessions, including healthy cooking demonstrations.

(4) No permanent structures shall be erected, except that, where an existing structure is permitted for the primary use allowed on the property, the farmers' market may be conducted within that structure.

(5) If the Director determines that the farmers' market use becomes a hazard to health, safety, or welfare, the farmers' market use shall be discontinued.

(6) A Certificate of Use shall be obtained for the farmers' market on an annual basis.

(i) A Certificate of Use (CU) package for Farmers' Market sites shall be obtained, completed and submitted to the Department of Regulatory and Economic Resources. The completed package shall include all of the following:

(a) Notarized letter from property owner of record authorizing the Farmers' Market described in the application.

(b) Narrative from applicant describing the hours of operations, estimated public attendance, and description of any other amenities provided.

(c) Verification that a majority of the farm products offered for sale are grown in Miami-Dade County<< [[~~or South Florida~~]].[2]

>>(d) The maximum number of vendors. This maximum number shall be indicated on the Certificate of Use.

(e) Site plan or survey indicating the following:

(1) General placement of the individual vendors.

(2) Location of refuse facilities.

(3) Location of on-site and off-site parking areas.

(4) Rights-of-way, internal circulation and ingress and egress.

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[2] The differences between the substitute and the original item are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added.

(5) Class A (temporary signs) shall meet the requirements for special event signage. Location, number and size shall be indicated on the site plan.<<

>>(7) Farmers' markets located at County parks, sports stadiums or racetracks shall be exempt from the requirements of this section but must otherwise comply with all other applicable requirements in this Code.<<

Section 2. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 4. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as to form and legal sufficiency:

Prepared by:

Lauren E. Morse

Prime Sponsor: Vice Chair Lynda Bell