



VILLAGE OF KEY BISCAIYNE

STAFF MEMORANDUM

Village Council
Joe I. Rasco, *Mayor*
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Village Manager
Steven C. Williamson

DATE: May 14, 2026
TO: Honorable Mayor and Councilmembers
THRU: Steven C. Williamson, Village Manager
FROM: Jeremy Calleros Gauger, Director – Building, Zoning, & Planning Department
RE: Outdoor Farmers Markets

RECOMMENDATION

Recommend that the Village Council approve the ordinance establishing supplemental use regulations to allow and govern outdoor farmers markets.

DISCUSSION

Purpose: To create regulations which will allow recurring temporary weekend farmers markets to operate in the Institutional Zoning district at locations of one acre or greater.

Background: The Key Biscayne Farmers Market has been operating primarily at the Community Church for more than 10 years. During that time, it has expanded in size, number of vendors, and popularity. While the initial market was permitted under a recurring special event permit, there are no specific regulations governing the market.

While the market is broadly successful and a community asset, there are a few challenges created by the market which regulations may address. In particular, regulations will create a single point of contact for addressing issues, formalize operating hours, and govern parking.

The Village has received inquiries about hosting farmers markets at additional locations. However, the informal nature of the current permitting and regulatory framework makes it unclear whether other markets may operate and how the existing market could temporarily relocate during construction. Formalizing these regulations will provide a clear application process for markets to operate at other locations.

Implementation:

- Operators will need to submit site plans
 - Create a point of contact
 - Formalize parking locations
- Improve traffic and parking management
 - Parking in swales can be better managed.

RESOURCE IMPACT

Recurring Funding: Typical funding required for code compliance and police activity related to enforcement of regulations.

Personnel: Existing code compliance, inspectors, and police staff.

Equipment: Existing equipment.

Facilities: Existing facilities

Training: Minimal

STRATEGIC CONNECTION (GOAL / FOCUS AREA)

Supports the Village's goal of creating a vibrant community and local marketplace. The proposed regulations will improve:

- Goal: Thriving & Vibrant Community and Local Marketplace
- Focus Area: Preserve and Shape Village Character
- Action: Strengthen code violation enforcement and collections

Prepared by: Jeremy Calleros Gauger, Building, Zoning, and Planning Director

Reviewed by Mr. Chad Friedman from Weiss Serota Helfman Cole & Bierman as to form and legal sufficiency.

ORDINANCE NO. 2026-_____

AN ORDINANCE OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AMENDING SECTION 30-112, “SUPPLEMENTAL USE REGULATIONS,” OF THE VILLAGE CODE OF ORDINANCES, RELATING TO OUTDOOR FARMERS MARKETS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village of Key Biscayne (“Village”) Council finds it periodically necessary to amend its Code of Ordinances (“Code”) in order to update regulations and procedures to implement planning goals and objectives; and

WHEREAS, the Village Council desires to allow, on a temporary basis, outdoor farmers markets within the Village’s Institutional District, to allow residents and visitors to obtain local foods and homemade products; and

WHEREAS, the Village Council finds it necessary to provide reasonable regulations regarding the operation of outdoor farmers markets; and

WHEREAS, the Village Council, sitting in its capacity as the Local Planning Agency, has reviewed this Ordinance and recommends approval; and

WHEREAS, the Village Council finds that this Ordinance is in the best interest of the Village’s residents.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF KEY BISCAYNE, FLORIDA, AS FOLLOWS:¹

Section 1. **Recitals.** The above-stated recitals are true and correct and are incorporated herein by this reference.

Section 2. **Amending Section 30-112, “Supplemental Use Regulations,” of the Village Code.** That Section 30-112, “Supplemental Use Regulations,” of the Code of Key Biscayne, Florida, is hereby amended to read as follows:

CHAPTER 30 – ZONING AND LAND DEVELOPMENT REGULATIONS

ARTICLE V. – SCHEDULE OF DISTRICT, USE, AND SETBACK REGULATIONS

¹ **Coding:** ~~Strikethrough~~ words are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with **highlighted strikethrough** and **double underline**.

Sec. 30-112. - Supplemental Use Regulations.

* * *

(p) Outdoor Farmers Markets. Outdoor Farmers Markets shall be permitted on a temporary basis on any property that is at least one (1) acre in size and includes the Institutional District, subject to the following requirements:

- (1) Application. An application, on a form provided by the Village, shall be filed by the property owner or authorized agent prior to an Outdoor Farmers Market occurring within the Village. Upon the filing of a complete application, including the applicable permit fee, Village staff shall review the application for consistency with the requirements of this section. After review, the Village Manager or designee may approve, approve with conditions, or deny the application.
- (2) Market Coordinator. Each Outdoor Farmers Market shall have a designated market coordinator who is in charge of running the Outdoor Farmers Market and enforcing all applicable health and safety regulations ("Market Coordinator").
- (3) Hours of Operation. Hours of operation, days, and set-up time.
 - a. An Outdoor Farmers Market may be operated within the Village between the hours of 8:00 a.m. and 6:30 p.m.
 - b. An Outdoor Farmers Market on a property shall occur only on a Saturday or Sunday but not on both days, not to exceed 1 day per week.
 - c. An Outdoor Farmers Market may be set up a maximum of two (2) hours prior to the event occurring, but may not be set up prior to the permitted operating hours contained herein.
- (4) Site Plan. A site plan shall be submitted for approval by the Village Manager or designee, which depicts, at a minimum, the location of vendors, ingress and egress, parking, and setbacks.
- (5) Food Safety. All uncooked food or goods shall be located on tables and under prefabricated tents.
- (6) Setbacks. An Outdoor 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) Parking Requirements.

- a. The minimum off-street parking requirements for an Outdoor Farmers Market shall be one (1) parking space 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.
 - b. On-street parking shall be located as depicted on the approved site plan and prohibited on the swales of all roads, including along Crandon Boulevard and Harbor Drive.
 - c. Market Coordinator shall ensure patrons do not park on adjacent private property for purposes of visiting the Outdoor Farmers Market, unless the Market Coordinator receives written consent from such private property owners in a 100' radius.
- (8) Ready-Made Food. An Outdoor Farmers Market may include cooked food upon the applicant demonstrating approval by all applicable County and State agencies.
- (9) Clean Up. The Market Coordinator shall be responsible for the clean-up of the Outdoor Farmers Market within two (2) hours after the closing of the Outdoor Farmers Market, which includes, but is not limited to, the removal of all trash, refuse and garbage, tents, tables, and vendors. The site occupied by the Outdoor Farmers Market and surrounding swales shall be kept clean and free of accumulated trash, refuse or garbage resulting from any aspect of the Outdoor Farmers Market operation.
- (10) Restroom Facilities. Restroom facilities must be provided on site.
- (11) Indemnification. If the Outdoor Farmers Market is to be held on Village-owned or leased property, the person or entity organizing the Outdoor Farmers Market shall agree to enter into an indemnification and hold harmless agreement with the Village in a form acceptable to the Village attorney.
- (12) Permitting. The operator of the Outdoor Farmers Market is solely responsible for securing all appropriate permits from the appropriate permitting agencies, including the Village, to operate the Outdoor Farmers Market.

A violation of the provisions of this subsection or any condition of approval shall result in the revocation of the permit and a code enforcement violation enforced pursuant to the Village's code enforcement procedures.

* * *

Section 3. Severability. That the provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 4. Codification. That it is the intention of the Village Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Village's Code of Ordinances, and 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 5. Conflicts. That all ordinances or parts of ordinances, resolutions or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

Section 6. Effective Date. That this Ordinance shall become effective immediately upon final adoption on second reading.

PASSED on first reading on the _____ day of _____, 2026.

PASSED AND ADOPTED on second reading on the _____ day of _____, 2026.

JOE I. RASCO
MAYOR

ATTEST:

JOCELYN B. KOCH
VILLAGE CLERK

APPROVED AS TO FORM AND LEGALITY:

WEISS SEROTA HELFMAN COLE & BIERMAN, P.L.
VILLAGE ATTORNEY