



STAFF REPORT

Community Gardens ULDC Text Amendment

From: Nicole Galehouse, AICP, Planning Division Manager
Thru: Frank Miles, MPA, Director, Neighborhood
Development Services
Date: March 2, 2019

ORDINANCE NO. 2019-10

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, ALLOWING FOR COMMUNITY GARDENS IN THE AG AGRICULTURAL DISTRICT, GU GOVERNMENT USE DISTRICT, RSF RESIDENTIAL SINGLE-FAMILY DISTRICT, RTF RESIDENTIAL TWO-FAMILY DISTRICT, RMF RESIDENTIAL MULTIFAMILY DISTRICT, AND RMH RESIDENTIAL MANUFACTURED HOME DISTRICT BY AMENDING THE CITY OF NORTH PORT UNIFIED LAND DEVELOPMENT CODE, SECTION 53-25, SECTION 53-64, SECTION 53-121, SECTION 53-134, SECTION 53-147, AND SECTION 53-160; PROVIDING REGULATIONS FOR COMMUNITY GARDENS BY AMENDING THE CITY OF NORTH PORT UNIFIED LAND DEVELOPMENT CODE SECTION 53-240 – SPECIAL STRUCTURES; PROVIDING RELEVANT DEFINITIONS BY AMENDING THE CITY OF NORTH PORT UNIFIED LAND DEVELOPMENT CODE, SECTION 61-3 – DEFINITIONS AND WORD USAGE; CREATING A COMMUNITY GARDEN OPERATION PERMIT FEE BY AMENDING THE CODE OF THE CITY OF NORTH PORT, APPENDIX A – CITY FEE STRUCTURE; PROVIDING FOR ADOPTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODING OF AMENDMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

PROJECT:	TXT-18-128, Community Gardens
REQUEST:	Approval of Ordinance 2019-10
APPLICANT:	City of North Port
OWNER:	N/A
LOCATION:	Citywide Ordinance — Agricultural, Residential, and Government Zoning Districts
PROPERTY SIZE:	N/A

I. BACKGROUND

At a regularly scheduled Commission meeting on May 8, 2018, a presentation was made by a local business owner regarding agriculture in the City. At this meeting, it was discussed that the City Commission had been interested in allowing community gardens, as well as commercial gardens. Staff researched the topic and provided the background information, at which point the item was placed for discussion on the July 24, 2018 special Commission meeting. At this meeting, it was determined that the Commission would like to see community gardens throughout the City and for commercial gardens to be permitted in several districts, including Activity Center 6, neighborhood commercial high and low districts, and the Estates. The two topics have been split into two separate ordinances. Ordinance 2019-10 (**Exhibit A**), Petition TXT-18-128, for community gardens is addressed in this staff report.

Cities are increasingly recognizing that urban food production can help provide food security for their residents, reduce greenhouse gas emissions, and help meet their goals to become sustainable cities. Community gardens are smaller-scale urban agriculture sites where neighbors and residents can gather to cultivate fruits, vegetables, plants, flowers, or herbs that are grown primarily for personal consumption or donation. These gardens can promote healthy eating and active living in their communities, which leads to an improvement in nutrition, physical activity, community engagement, and safety for a neighborhood and its residents and provides environmental benefits to the community.

Community gardens allow for families and communities to grow food for personal consumption or donation where they possibly would not have the ability to do so on their own property due to space limitations or landlord regulations. They foster a sense of community within a neighborhood, have the potential to increase property values, and provide affordable access to food. They offer green space to help reduce the impact of pollutants and stormwater runoff.

II. REVIEW PROCESS

Staff reviewed this petition for a Text Amendment and found this petition is consistent with the City's Comprehensive Plan. The City Attorney reviewed and approved Ordinance 2019-10 as to form and correctness.

III. DATA & ANALYSIS

Given the potential benefits of community gardens to reduce the probability of food deserts, increase a sense of community, promote healthy eating, and provide environmental benefits, staff has drafted an ordinance that permits community gardens within agricultural, residential, and government zoning districts. Since community gardens by nature are not commercial, they fit in with the character of these zoning districts.

The proposed text amendment includes several key elements that permit community gardens as a use in the Unified Land Development Code:

- Addition of community gardens as a permitted principal use to specific zoning districts;
- Addition of regulations for community gardens; and
- Amendment to the City Fee Structure to add a fee for the Community Gardens Operation Permit.

The regulations proposed by staff are an amalgamation of model ordinances for community gardens, tailored to fit the needs of the City of North Port. The proposed regulations include permitting, which will require a site assessment to ensure the soil is safe for food, required operating rules, and contact information for the coordinator of the community garden. Site design standards are set out which include provisions to encourage accessibility, ensure that drainage does not impact surrounding properties, and provide standards to protect the surrounding residents from potential nuisances. Sales are prohibited from community gardens, however excess products grown on the property may be sold off-site. Finally, environmental concerns were addressed to recommend sustainable and organic practices and prohibit planting of invasive exotics.

**COMPREHENSIVE
PLAN**

Policy 4.2, Future Land Use Element

The proposed text amendment adds a layer into residential neighborhoods that adds to community involvement and engagement. It has the potential to unite neighbors and strengthen connections within neighborhoods, thereby promoting preservation of neighborhoods.

Staff finds that the proposed text amendment is consistent with Policy 4.2 of the Future Land Use Element.

Policy 4.19, Future Land Use Element

Community gardens have the potential to bring the members of residential neighborhoods together. This could encourage the formation of neighborhood groups for other activities, including neighborhood watch groups. Neighbors could be brought together by this activity, strengthening social relationships.

Staff finds that the proposed text amendment is consistent with Policy 4.19 of the Future Land Use Element.

Policy 9.5, Future Land Use Element

Gardening, in any form, has the potential for use of harsh chemicals that have the potential to impact the City's water supply if not carefully managed. The proposed text amendment has taken that into consideration by requiring that drainage is maintained on-site and by encouraging sustainable and organic practices.

Staff finds that the proposed text amendment is consistent with Policy 9.5 of the Future Land Use Element.

Policy 9.27, Future Land Use Element

While community gardens have the potential to strengthen community relationships, some components of the garden also have the potential to become a nuisance to neighbors if not properly managed. The proposed text amendment has anticipated these potential nuisances and put protections in place for the surrounding community. Non-vegetative material cannot be stored outside, waste must be properly disposed, compost materials must be stored in a fully-enclosed container, and the garden must be maintained

throughout the year in accordance with the nuisance regulations in Chapter 42 of the Administrative Code.

Staff finds that the proposed text amendment is consistent with Policy 9.27 of the Future Land Use Element.

Policy 1.12, Conservation & Coastal Zone Management Element

The proposed text amendment encourages sustainable gardening and organic practices.

Staff finds that the proposed text amendment is consistent with Policy 1.12 of the Conservation & Coastal Zone Management Element.

Policy 3.3, Conservation & Coastal Zone Management Element

The proposed text amendment prohibits the planting of Category I invasive exotics as identified by the Florida Exotic Pest Plant Council (FEPPC) and strongly discourages planting of Category II invasives. The plants listed in Policy 3.3 are all on the Category I list of invasive exotics.

Staff finds that the proposed text amendment is consistent with Policy 3.3 of the Conservation & Coastal Zone Management Element.

Chapter 53 — Zoning Regulations, Article II. — AG Agricultural District

The intent of the Agricultural District is to retain the open character of the land. This limits permitted uses to agricultural, very low-density residential, recreation, and similar uses. While a community garden does not fall neatly into an agricultural use, the primary difference in intent is the lack of commercial gain. Horticulture, for example, is defined as “the use of land for the growing of production for income of fruits, vegetables, flowers...” A community garden is growing these same products, but not as production for income. The impact on the land and neighborhood is the same, if not less intense, and the open character is maintained.

Staff finds that the proposed text amendment is consistent with the intent of the AG District in ULDC.

Chapter 53 — Zoning Regulations, Article V. — GU Government Use District

The Government Use district is intended to provide uses that are beneficial to the public welfare. As the background section discusses, community gardens can provide not only health benefits but social and environmental benefits as well. Allowing for community gardens on government properties would create benefits to the public welfare.

Staff finds that the proposed text amendment is consistent with the intent of the GU District in the ULDC.

Chapter 53 — Zoning Regulations, Article IX. — RSF Residential Single-Family District; Article X. — RTF Residential Two-Family District; Article XI. — RMF Residential Multi-Family District; Article XII. — RMH Residential Manufactured Home District

The residential zoning districts — RSF, RTF, RMF, and RMH — are intended primarily to allow for homes. Certain other uses are permitted, provided that they maintain the overall nature of the respective zoning district. The RSF district is the most clear in this, stating that uses that meet the needs of these areas may be permitted, *subject to restrictions and requirements necessary to preserve and protect their single-family residential character*. The regulations that have been provided for in the proposed text amendment are designed to protect the residential character of these districts.

Staff finds that the proposed text amendment is consistent with the intent of the Residential Zoning Districts in the ULDC.

IV. PUBLIC NOTICE & HEARING SCHEDULE

PUBLIC NOTICE

Notice of the public hearing was advertised in a newspaper of general circulation within the City of North Port on March 6, 2019 pursuant to the provisions of Section 166.041(3)(a), Florida Statutes and Section 9.01(b) of the Charter of the City of North Port, and Chapter 1, Article II, Section 1-12 of the City's Unified Land Development Code (ULDC) (**Exhibit B**).

PUBLIC HEARING SCHEDULE

Planning & Zoning Advisory Board Public Hearing	March 21, 2019 9:00 AM or as soon thereafter
City Commission 1st Reading Public Hearing	April 9, 2019 10:00 AM or as soon thereafter
City Commission 2nd Reading Public Hearing	April 23, 2019 6:00 PM or as soon thereafter

V. RECOMMENDED ACTION

Staff recommends **APPROVAL** of Ordinance 2019-10, adding community gardens as a principal permitted use in agricultural, residential, and government districts and providing regulations for the use and a fee for the permit.

EXHIBIT A



City of North Port

ORDINANCE NO. 2019-10

1 AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, ALLOWING FOR COMMUNITY
2 GARDENS IN THE AG AGRICULTURAL DISTRICT, GU GOVERNMENT USE DISTRICT,
3 RSF RESIDENTIAL SINGLE-FAMILY DISTRICT, RTF RESIDENTIAL TWO-FAMILY DISTRICT,
4 RMF RESIDENTIAL MULTIFAMILY DISTRICT, AND RMH RESIDENTIAL MANUFACTURED
5 HOME DISTRICT BY AMENDING THE CITY OF NORTH PORT UNIFIED LAND
6 DEVELOPMENT CODE, SECTION 53-25, SECTION 53-64, SECTION 53-121, SECTION 53-
7 134, SECTION 53-147, AND SECTION 53-160; PROVIDING REGULATIONS FOR
8 COMMUNITY GARDENS BY AMENDING THE CITY OF NORTH PORT UNIFIED LAND
9 DEVELOPMENT CODE SECTION 53-240 – SPECIAL STRUCTURES; PROVIDING RELEVANT
10 DEFINITIONS BY AMENDING THE CITY OF NORTH PORT UNIFIED LAND DEVELOPMENT
11 CODE, SECTION 61-3 – DEFINITIONS AND WORD USAGE; CREATING A COMMUNITY
12 GARDEN OPERATION PERMIT FEE BY AMENDING THE CODE OF THE CITY OF NORTH
13 PORT, APPENDIX A – CITY FEE STRUCTURE; PROVIDING FOR ADOPTION; PROVIDING
14 FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODING OF
15 AMENDMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.

16 **WHEREAS**, cities are increasingly recognizing that urban food production can help provide food security
17 for their residents, reduce greenhouse gas emissions, and help meet their goals to become sustainable
18 cities; and

19 **WHEREAS**, community gardens are smaller-scale urban agriculture sites where neighbors and residents
20 can gather to cultivate fruits, vegetables, plants, flowers, or herbs that are grown primarily for personal
21 consumption or donation; and

22 **WHEREAS**, community gardens can promote healthy eating and active living in the community; and

23 **WHEREAS**, community gardens can improve nutrition, physical activity, community engagement, and
24 safety for a neighborhood and its residents and provide environmental benefits to the community; and

25 **WHEREAS**, on July 24, 2018, the City Commission directed staff to research community gardens and their
26 regulation; and

EXHIBIT A

WHEREAS, on March 21, 2019, the City of North Port Planning and Zoning Advisory Board, designated as the Local Planning Agency (LPA) for the City, held a properly-noticed public hearing to receive public comments on the revision of the Unified Land Development Code; and

WHEREAS, the City Commission has held properly-noticed public hearings to review the recommendations of the Planning and Zoning Advisory Board and to receive public comments on the revision of the Unified Land Development Code; and

WHEREAS, the City Commission has determined that the proposed amendments are consistent with the Comprehensive Plan and serve the public health, safety, and welfare of the citizens of the City of North Port, Florida.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF NORTH PORT, FLORIDA, AS FOLLOWS:

SECTION 1 – FINDINGS:

1.01. The recitals outlined above are incorporated by reference as findings of fact as if expressly set forth herein.

SECTION 2 – ADOPTION:

2.01 The North Port City Commission hereby approves and adopts the following amendments to the City of North Port Unified Land Development Code:

“Chapter 53 – ZONING REGULATIONS

...

PART 2. – SCHEDULE OF DISTRICT REGULATIONS

...

ARTICLE II. – AG AGRICULTURAL DISTRICT

...

Sec. 53-25. – Permitted principal uses and structures.

Permitted principal uses and structures are ~~shall be~~ as follows:

...

N. Community gardens in accordance with Sec. 53-240(H).”

EXHIBIT A

2.02 The North Port City Commission hereby approves and adopts the following amendments to the City of North Port Unified Land Development Code:

“Chapter 53 – ZONING REGULATIONS

...

PART 2. – SCHEDULE OF DISTRICT REGULATIONS

...

ARTICLE V. – GU GOVERNMENT USE DISTRICT

...

Sec. 53-64. – Permitted principal uses and structures.

...

H. Community gardens in accordance with Sec. 53-240(H).”

2.03 The North Port City Commission hereby approves and adopts the following amendments to the City of North Port Unified Land Development Code:

“Chapter 53 – ZONING REGULATIONS

...

PART 2. – SCHEDULE OF DISTRICT REGULATIONS

...

ARTICLE IX. – RSF RESIDENTIAL SINGLE-FAMILY DISTRICT

...

Sec. 53-121. – Permitted principal uses and structures

...

I. Community gardens in accordance with Sec. 53-240(H).”

2.04 The North Port City Commission hereby approves and adopts the following amendments to the City of North Port Unified Land Development Code:

“Chapter 53 – ZONING REGULATIONS

EXHIBIT A

...

PART 2. – SCHEDULE OF DISTRICT REGULATIONS

...

ARTICLE X. – RTF RESIDENTIAL TWO-FAMILY DISTRICT

...

Sec. 53-134. – Permitted principal uses and structures.

...

F. Community gardens in accordance with Sec. 53-240(H)."

- 2.05 The North Port City Commission hereby approves and adopts the following amendments to the City of North Port Unified Land Development Code:

"Chapter 53 – ZONING REGULATIONS

...

PART 2. – SCHEDULE OF DISTRICT REGULATIONS

...

ARTICLE XI. – RMF RESIDENTIAL MULTIFAMILY DISTRICT

...

Sec. 53-147. – Permitted principal uses and structures

H. Community gardens in accordance with Sec. 53-240(H)."

- 2.06 The North Port City Commission hereby approves and adopts the following amendments to the City of North Port Unified Land Development Code:

"Chapter 53 – ZONING REGULATIONS

...

PART 2. – SCHEDULE OF DISTRICT REGULATIONS

...

EXHIBIT A

ARTICLE XII. – RMH RESIDENTIAL MANUFACTURED HOME DISTRICT

...

Sec. 53-160. – Permitted principal uses and structures.

...

D. Community gardens in accordance with Sec. 53-240(H)."

2.07 The North Port City Commission hereby approves and adopts the following amendments to the City of North Port Unified Land Development Code:

"Chapter 53 – ZONING REGULATIONS

...

PART 3. – SPECIAL DISTRICT REGULATIONS

...

ARTICLE XX. – SPECIAL CIRCUMSTANCE REGULATIONS

...

Sec. 53-240. – Special structures.

...

H. Community gardens.

(1) General requirements.

(a) Operation permit. The use and operation of a community garden must comply with all federal, state, and local laws and regulations relating to such use and operation. Before a community garden is established, a community garden operation permit for the community garden location must be issued by the City's Department of Neighborhood Development Services. Permits will only be issued for vacant lots that contain no building(s) or structure(s).

(b) Site assessment. Each application for a community garden operation permit must include a Phase I Environmental Site Assessment ("ESA") subject to the standards established by the American Society for Testing and Materials. Where an ESA identifies a historical source of contamination at the community garden location, the applicant must submit evidence that the location has been tested and a determination has been made regarding the type and level of contamination at the location. An applicant must ensure and provide evidence that any necessary and

EXHIBIT A

appropriate remediation procedures are undertaken to ensure that the location's soil is suitable for gardening.

(c) Garden operation. Each application for a community garden operation permit must include an established set of operating rules for the community garden, which the City will keep on file. Operating rules must include but are not limited to the following:

(i) The governance structure of the garden;

(ii) The name and telephone number of the community garden coordinator who will oversee the daily operation of the community garden and who will be the garden's liaison to the City;

(iii) The hours of garden operation. No gardening activities may take place between the hours of 9:00 p.m. and 6:00 a.m.;

(iii) Responsibilities for garden maintenance;

(iv) Any security requirements; and

(d) Garden conclusion. When the operation of a community garden has concluded, the permit holder must ensure that all garden equipment, improvements, or modifications to the location are removed from the location and that the location is left in the same or better condition than when the permit was issued. The operation of a community garden will be deemed concluded upon the occurrence of any of the following:

(i) The expiration or termination of its community garden operation permit;

(ii) The abandonment, in the City's sole discretion, of the community garden; or

(iii) Notice to the City from the permit holder that the operation of the community garden has concluded.

(2) Site design.

(a) Universal design. The City encourages the use of a universal design where community gardens are designed and composed so that they can be accessed, understood, and used to the greatest extent possible by all people regardless of one's age, size, ability, or disability and so all residents can utilize and participate in a community garden.

(b) Water. Permit holders must ensure that their community garden is served by a water supply sufficient to support the cultivation practices used at the permitted location.

(c) Drainage. A community garden must be designed and maintained so that water and fertilizer will not drain or encroach onto adjacent property.

EXHIBIT A

(3) Storage.

(a) Non-vegetative material. The outdoor storage of non-vegetative material is prohibited. No building or structure is permitted on the property where a community garden is located, other than the following:

(i) One (1) shed for the storage of gardening tools and equipment, no larger than one hundred and twenty (120) square feet;

(ii) Benches;

(iii) Bicycle racks;

(iv) Raised planting beds accessible to the disabled;

(v) Compost and garbage/waste receptacles;

(vi) Picnic tables;

(vii) Rain barrel systems, in accordance with Sec. 53-240(A);

(viii) Garden art, in accordance with Sec. 53-240(A); and

(ix) Fences, in accordance with Sec. 53-240(M).

(b) Seed and fertilizer to be used at the community garden. All seed and fertilizer must be stored in sealed, rodent-proof containers.

(4) Parking.

(a) The Director of Neighborhood Development Services will determine if off-street parking is required at a community garden. The following criteria will be considered to determine if off-street parking is required:

(i) The size of the garden;

(ii) The number of gardeners expected;

(iii) The availability of parking on the berm, shoulder, and/or swale right-of-way area; and

(iv) The ability of gardeners to travel to the garden by means other than automobile.

(b) Any off-street parking must be consistent with Sec. 59-16 of the Code of the City of North Port.

(c) If off-street parking is required, a driveway to the community garden location will have a minimum width of sixteen feet (16') and will be constructed in accordance

EXHIBIT A

with the requirements of Sec. 33-6.B.(6). Driveways may be constructed from City approved pervious materials, including but not limited to shell or gravel, provided that the driveway apron within the City right-of-way is constructed of concrete.

(5) Waste disposal. A permit holder must ensure that waste, trash, and recycling receptacles ("receptacles") are provided and available at the community garden location to ensure the proper disposal of refuse.

(a) All receptacles must be screened from adjacent properties by a six-foot (6') high fence or natural buffer.

(b) All refuse must be removed from the permitted location regularly so that the receptacle area and the garden location are kept free from litter.

(c) Compost materials from the garden must meet the setback requirements for the zoning district in which the garden is located. Compost must be stored in a fully-enclosed container that is not visible from adjacent property, controls odor, prevents animal and insect infestation, and minimizes runoff into waterways and encroachment onto adjacent properties.

(6) Sales. On-site retail sales are prohibited; however, any excess fruits, vegetables, plants, flowers, and/or herbs grown on the property may be sold off-site.

(7) Maintenance. A community garden must be maintained, including grass height, throughout the year in accordance with Secs. 42-21 and 42-22 of the Code of the City of North Port, Florida. A community garden must maintain waste throughout the year in accordance with Chapter 62 of the Code of the City of North Port, Florida.

(8) Sustainable gardening. The City strongly encourages proper water conservation, composting, and non-polluting, integrated pest and pathogen management at all community garden locations.

(9) Organic practices. The City strongly encourages the use of materials and practices used for the organic production of fruits, vegetables, plants, flowers, and herbs as found in the Organic Materials Review Institute guidelines. Any use of fertilizer must comply with Chapter 22, Article 2 of the Code of the City of North Port.

(10) Prohibited plants. Community gardens are prohibited from planting Category I invasive exotics as identified by the Florida Exotic Pest Plant Council ("FEPPC"). The City strongly encourages the avoidance of planting Category II invasive exotics as identified by the FEPPC.

...

[Current sections H through CC shall be renumbered.]"

2.08 The North Port City Commission hereby approves and adopts the following amendments to the City of North Port Unified Land Development Code:

EXHIBIT A

“Chapter 61 – DEFINITIONS

...

Sec. 61-3. – Definitions and word usage.

...

COMMUNITY GARDEN – Land managed and maintained for the non-commercial cultivation of fruits, vegetables, plants, flowers, and/or herbs, by multiple users. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained or used by group members.

...”

- 2.09 The North Port City Commission hereby approves and adopts the following amendments to the Code of the City of North Port:

“APPENDIX A – CITY FEE STRUCTURE

...

B. PLANNING AND ZONING FEES

...

Community Garden Operation Permit	\$150.00
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...”

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 – CODING OF AMENDMENTS:

- 5.01 In this Ordinance, additions are shown as underlined and deletions as ~~strikethrough~~. These editorial notations shall not appear in the codified text.

EXHIBIT A

385 **SECTION 6 – EFFECTIVE DATE:**

386 6.01 This Ordinance shall take effect immediately after adoption by the City Commission of the City of
387 North Port, Florida. No development order or development permits dependent on this Ordinance
388 may be issued before it has become effective.

389 READ BY TITLE ONLY at first reading by the City Commission of the City of North Port, Florida, in public
390 session the _____ day of _____ 2019.

391 PASSED and DULY ADOPTED by the City Commission of the City of North Port, Florida, on the second and
392 final reading in public session this _____ day of _____ 2019.

CITY OF NORTH PORT, FLORIDA

CHRISTOPHER HANKS
MAYOR

ATTEST:

KATHRYN PETO
CITY CLERK

APPROVED AS TO FORM AND CORRECTNESS:

AMBER L. SLAYTON
CITY ATTORNEY

PUBLIC NOTICE - CITY OF NORTH PORT NOTICE OF INTENT TO AMEND THE CITY OF NORTH PORT UNIFIED LAND DEVELOPMENT CODE PROPOSED ORDINANCE NO. 2019-10

NOTICE IS HEREBY GIVEN, pursuant to the provisions of Section 166.04(3)(a), Florida Statutes and Section 9.01(b) of the Charter of the City of North Port, and Chapter I, Article II, Section 1-12 of the City's Unified Land Development Code (ULDC), that the City of North Port proposes to adopt Ordinance No. 2019-10, Amendment to the City of North Port Florida Unified Land Development Code (ULDC).

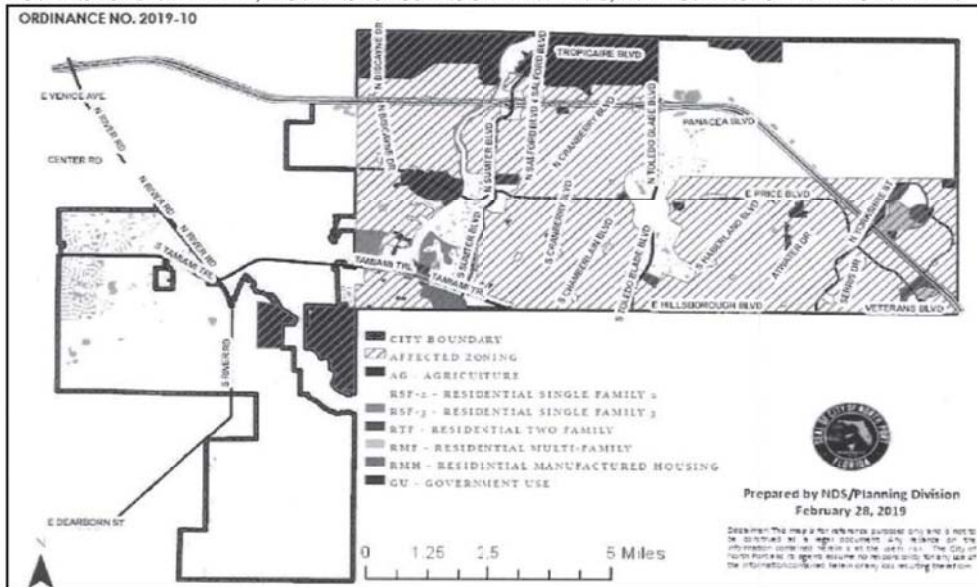
A Public Hearing will be held before the Planning and Zoning Advisory Board designated as the Local Planning Agency (LPA) on **Thursday, March 21, 2019 at 9:00 a.m.** in the **City Hall Commission Chambers, 4970 City Hall Boulevard, North Port, Florida 34286.**

A Public Hearing for the first reading of Ordinance 2019-10 will be held before the North Port City Commission in Commission Chambers on **Tuesday, April 9, 2019 at 10:00 a.m.**, or as soon thereafter as the matter may be heard. The second and final reading will be held before the North Port City Commission in Commission Chambers on **Tuesday, April 23, 2019 at 6:00 p.m.**, to consider enactment of Ordinance No. 2019-10.

These Public Hearings will be held in the North Port City Hall Commission Chambers, 4970 City Hall Boulevard, North Port, Florida, 34286.

ORDINANCE NO. 2019-10

AN ORDINANCE OF THE CITY OF NORTH PORT, FLORIDA, ALLOWING FOR COMMUNITY GARDENS IN THE AG AGRICULTURAL DISTRICT, GU GOVERNMENT USE DISTRICT, RESIDENTIAL SINGLE-FAMILY DISTRICT, RTF RESIDENTIAL TWO-FAMILY DISTRICT, RMF RESIDENTIAL MULTIFAMILY DISTRICT, AND RMH RESIDENTIAL MANUFACTURED HOME DISTRICT BY AMENDING THE CITY OF NORTH PORT UNIFIED LAND DEVELOPMENT CODE, SECTION 53-25, SECTION 53-64, SECTION 53-121, SECTION 53-134, SECTION 53-147, AND SECTION 53-160; PROVIDING REGULATIONS FOR COMMUNITY GARDENS BY AMENDING THE CITY OF NORTH PORT UNIFIED LAND DEVELOPMENT CODE SECTION 53-240 - SPECIAL STRUCTURES; PROVIDING RELEVANT DEFINITIONS BY AMENDING THE CITY OF NORTH PORT UNIFIED LAND DEVELOPMENT CODE, SECTION 61-3 - DEFINITIONS AND WORD USAGE; CREATING A COMMUNITY GARDEN OPERATION PERMIT FEE BY AMENDING THE CODE OF THE CITY OF NORTH PORT, APPENDIX A - CITY FEE STRUCTURE; PROVIDING FOR ADOPTION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODING OF AMENDMENTS; AND PROVIDING FOR AN EFFECTIVE DATE.



Note: The proposed Ordinance 2019-10, (Adoption of Amendments to the City of North Port Unified Land Development Code) applies to the areas depicted on this affected zoning on this map.

All interested parties are invited to appear and be heard in respect to this Ordinance at the public hearings in the City Hall Commission Chambers. Written comments filed with the Planning and Zoning Advisory Board and the City Commission will be heard and considered and will be made a matter of public record at these meetings. These public hearings may be continued from time to time as announced at the hearings, as may be found necessary. The file pertinent to Ordinance 2019-10, TXT-18-128, may be inspected by the public at the Neighborhood Development Services Department, Planning Division, and in the City of North Port City Clerk's Office, 4970 City Hall Boulevard, North Port, Florida 34286, during regular business hours.

NO STENOGRAPHIC RECORD BY A CERTIFIED COURT REPORTER IS MADE OF THESE MEETINGS. ACCORDINGLY, ANY PERSON WHO MAY SEEK TO APPEAL A DECISION INVOLVING THE MATTERS NOTICED HEREIN WILL BE RESPONSIBLE FOR MAKING A VERBATIM RECORD OF THE TESTIMONY AND EVIDENCE AT THESE MEETINGS UPON WHICH ANY APPEAL IS TO BE BASED (SEE F.S.S. 286.0105).

NOTE: PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN ANY OF THESE PROCEEDINGS SHOULD CONTACT THE CITY CLERK'S OFFICE 48 HOURS IN ADVANCE OF THE MEETING (SEE F.S.S. 286.26).

NONDISCRIMINATION: The City of North Port does not discriminate on the basis of race, color, national origin, sex, age, disability, family or religious status in administration of its programs, activities or services.

AMERICAN WITH DISABILITIES ACT OF 1990 - The North Port City Hall is wheelchair accessible. Special parking is available on the west side of City Hall and the building may be accessed from the parking area. Persons with hearing difficulties should contact the City Clerk to obtain a hearing device for use during meetings.

Kathryn Peto,
City Clerk

Publish on Wednesday, March 6, 2019

adno-0962775-1